

LGBT+ Inclusion to Sustainable Development Goals Agenda

LEAVE NO ONE BEHIND

This Spotlight Review is prepared by Kyrgyz Indigo (KI) in the context of the LGBT+ inclusion to Sustainable Development Goals Agenda in Kyrgyzstan.

2020

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Introduction

About the organization:

Public Union “Kyrgyz Indigo” - LGBT+ organization based in Bishkek, Kyrgyzstan. “Kyrgyz Indigo” is the largest LGBT+ human rights and advocacy organization not only in Kyrgyzstan, but also in Central Asia. The organization commits all efforts in the name of equal rights and improving the quality of life of LGBT+ people providing services to LGBT+ people across Kyrgyzstan.

Government’s process in the preparation review.

Kyrgyzstan held open round tables in writing a report on achieving sustainable development goals. The Ministry of Labour and Social Development also shared interim developments results with platform of women's organizations, they got comment that there is no information about LGBT+ population, the response was that there is an opportunity to write Spotlight review. Responsible agencies ignored the request to include the LGBT+ organization in the working group, which made it necessary to write a separate report on the situation with the human rights of LGBT+ people in Kyrgyzstan.

Leave no one behind

We support the position of the Kyrgyz Republic in achieving Sustainable Development Goals (SDG) and its first report on SDG agenda. We assured that 2030 SDG agenda cannot be reached without the inclusion of LGBT+ population as a part of the “leave no one behind” principle. This report aims to ensure that authorities aware of the barriers in achieving the SDGs for LGBT+ people and take key population into account in formulating programs, plans, laws to the equality promotion.

Acknowledgment

This report reflects the situation of LGBT+ people in Kyrgyzstan, as well as the need for inclusion in the 2030 agenda. The information in the report is based on studies of civil society, documented cases of “Kyrgyz Indigo” and available data, including mass media materials. The organizers would like to gratefully acknowledge people, who participated in surveys, studies, and shared their cases. The report was written by Nadira Masiumova. Valuable comments and inputs on the draft were provided by Rashima Kwatra, International Advocacy Advisor of the Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights and Stephen J. Leonelli, Senior Policy Advisor of MPact Global Action for Gay Men’s Health & Rights. Cavid Nabiyeu, Nafas LGBT Azerbaijan Alliance international advocacy specialist, inspired the writing of a separate report on LGBT people. Farkhad Musazov assisted with the translation, and Zhano Zharmatova involved in the design.

SDG 1- 2. No poverty – Zero hunger.

Government response to COVID-19 crisis related to LGBT+ community

Many LGBT+ people live in daily earnings without financial savings, and become more vulnerable to hunger and poverty, especially in crisis situations. The COVID-19 pandemic deprived income of many people.

Statistics:

KI conducted the needs assessment of the LGBT+ community, during the spread of coronavirus and the state of emergency. 52 people participated, 68% of them indicated that they did not have paid work and needed food

LGBT+ people could not always get timely support due to a number of reasons. Most trans* women sex workers live in rented apartments, because of quarantine, many remained on the street and were not able to return to their families at home. The government did not provide housing support for vulnerable groups during the crisis. Particularly, trans* women sex workers and LGBT+ migrants remain most vulnerable to poverty and hunger are. Unfortunately, trans* sex workers do not qualify for economic assistance, as they are left out of social protection schemes.

Case:

*In April 2020, several trans * women sex workers found themselves on the street, unable to pay for an apartment, due to a lack of work during the state of emergency. They could not return to their families. An NGO “Kyrgyz Indigo” organized an additional shelter for trans* women sex workers who left homeless.*

LGBT+ migrants found themselves in a difficult situation due to the closure of borders and airlines which stopped running commercial flights, they were unable to return to Kyrgyzstan, some left homeless. Humanitarian aid was often issued by activists from the people and its receipt often depended on the appearance of a person's identity, as some trans* people migrants experienced transphobia while receiving humanitarian aid. Many trans* people had to be involved in sex work during the state of emergency to have income providing themselves with basic human needs as apartment rent or food products. This led to the extortion and violence in the host country by authorities.

Case:

In May 2020 trans women migrant from Kyrgyzstan has to be involved in sex work to pay for rent and food in Moscow. There was a state of emergency, police detained her, began to threaten with deportation and blackmailing. They took 5 thousand rubles (72 USD) in cash and forced to transfer all the money from her credit card to their account (15 thousand rubles (216 USD)).*

Civil society response to COVID-19 crisis related to LGBT+ community

Many shelters working with the support of NGOs were inaccessible for new residents. At the same time, many NGOs could not get special permits for moving around the city to deliver humanitarian aid to key population. The positive experience was the solidarity and collaboration of international organizations, NGOs, and some government agencies during the time of crisis. For example, once a partner organization receives a travel pass, the other ones, without a pass, reallocate their aid so that supportive packages to be delivered to their beneficiaries. Donor organizations have allocated money for additional shelters, in response to increasing poverty among the community. In Bishkek, instead of one shelter for LGBT+ people, five temporary shelters began to function; moreover, all sanitary and hygiene standards were taken into account and, and food products also were provided. An online psychological and legal consultation was organized; food packages were distributed. NGOs has helped¹ 2,000 LGBT+ people across the country, which supported LGBT+ people in period of hunger and poverty during crisis.

Hunger, poverty, vulnerability and discrimination confronted by LGBT+ people.

The vulnerability of LGBT+ people to hunger and poverty is observed not only during crisis situations. According to needs assessment² of trans* people in Kyrgyzstan, where 36 trans* people were involved, 34% of respondents were left without housing because of trans* identity. 25% indicated that they experienced significant difficulties with money due to barriers and public rejection of transgender identity. This confirms that discrimination, homophobia, and transphobia are key factors in the vulnerability of LGBT+ people to poverty and hunger.

Ways to eradicate poverty and hunger among LGBT+ people:

- Adoption of comprehensive anti-discrimination legislation in accordance with international standards, with the inclusion of SOGIESC as protected characteristics will help to reduce discrimination affecting increasing poverty and hunger;
- Enabling unfettered access to unemployment insurance and other economic protection programs for all LGBT+ people and sex workers to leave no one behind in providing support in crisis situations to the vulnerable groups;
- Consult with LGBT+ community-based organizations in the development of social programs and initiatives that will ensure that the needs of the LGBT+ community are being met;
- Adoption of a policy according to which NGOs can receive passes in crisis situations to provide humanitarian support to provide opportunity to NGOs assist vulnerable groups in elimination of hunger and poverty;
- State support for shelters for LGBT+ people is necessary in the fight against poverty and hunger. There is a need to maintain safe spaces for LGBT+ people,

¹ <https://indigo.kg/%d0%ba%d0%bo%d0%ba-%d0%bc%d1%8b-%d1%80%d0%bo%d0%b1%d0%be%d1%82%d0%bo%d0%bb%d0%b8-%d0%b2%d0%be-%d0%b2%d1%80%d0%b5%d0%bc%d1%8f-%d0%bf%d0%bo%d0%bd%d0%b4%d0%b5%d0%bc%d0%b8%d0%b8-covid-19.html>

² Kyrgyz Indigo, Labrys, *Needs Assessment-T*, 16. <https://indigo.kg/wp-content/uploads/2017/07/Needs-Assessment-T.pdf>

who have been kicked out of their houses. These measures will help improve the quality of life of LGBT+ people, and accordingly, their productivity and contribution to the development of the state.

SDG 3. Good health and well-being

Equal access to the realization of the right to health is a key element of sustainable development. A positive factor is that LGBT+ people are reflected in several documents relating to the health care system of Kyrgyzstan.

In 2017, the Guideline on Medical and Social Assistance to Transgender People was approved. This policy is more human rights aligned to access legal gender recognition for trans* people. However, the State Registration Service under the Government of the Kyrgyz Republic abolished another instruction by which trans * people could change their personal identification number. In passport of Kyrgyzstan, gender of person indicated in “sex” column and in the first digit of personal identification number (for example, 1 means female, 2 means male).

Because of this, trans* people, who changed gender marker face barriers to accessing various services, as their passport indicates two gender at the same time. They face discrimination and harassment while traveling. Employees of a number of institutions may have access to such personal data and learn about the transition of a person, which can lead to discrimination, bias, denial of service provision, and even outing. It is extremely important for the state to amend the law to eliminate this barrier as well as enact or reform current anti-discrimination protections to include SOGIESC.

Case

*A trans * woman who changed her gender marker could not have a bank account. The system did not accept her passport since the gender in the column “sex” was female, but the first digit of personal identification number showed 2, which indicates male.*

Target 3.3 by 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.

In 2017, the Government of the Kyrgyz Republic adopted a program³ to eradicate and address HIV infection in the Kyrgyz Republic for the years 2017-2021.

The HIV program addresses the sexual health of gay, bisexual men, and other MSM. Thanks to the national program, there are several preventative programs. However, the policy does not directly target and reflect the needs of trans * people -a key affected group. The lack of disaggregated data by gender identity impedes the ability to make informed decisions for programs targeted for trans* people.

³ <http://cbd.minjust.gov.kg/act/view/ru-ru/11590>

A 2019 study⁴ of trans* women sex workers with migration experience displays prevalence among respondents - 26% of trans* women sex workers are HIV+. These numbers cannot be generalized to the entire trans* community; however, they are an alarming signal about the prevalence of HIV among trans* people in Kyrgyzstan and indicates the need for focused work and directed programs for trans* people in HIV prevention. The positive factor is that the country has applied to the Global Fund for HIV and TB took into account the needs of trans* people and in 2021 a pilot project on HIV prevention for transgender people will be launched.

Kyrgyzstan recognizes that stigma and discrimination are significant factors in the spread of HIV, but there is no anti-discrimination law in the country.

Case:

In 2019, an HIV-positive person was unable to get a job at the Bishkek branch of the international catering network. The employer required an HIV certificate. After Kyrgyz Indigo clarified the illegality of these actions, the administration removed this item from the list of documents while hiring. Also in 2019, several announcements of private institutions (swimming pools and massage parlours) were not welcome HIV-positive people. State authorities, in turn, do not monitor such violations.

Target 3.4 by 2030, reduce by one third premature from non-communicable diseases through prevention and treatment and promote mental health and well-being.

Data

Various studies show that LGBT+ people suffer from mental health issues. In Needs Assessments⁵ of trans people, 48% experienced depression, 17% had conflicts with their families, and 14% began to use psychotropic substances in the last 12 months. A study⁶ of trans* women sex workers with migration experience indicated that 69% have experienced depression and 46% of have attempted suicide. In Needs Assessments⁷ of LGBQ people, one third indicated that they had 2 or more psychological disorders, 20.25% of LBQ women and 31% of GBQ men tried to commit suicide.*

As practice shows, free psychology support provided by NGOs cannot cover regions, and not all people in the community are aware of the existence of LGBT+ organizations. Therefore, it is necessary to train operators of state free lines to provide high-quality psychological support to LGBT+ people, including adolescents.

Target 3.7 By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and

⁴ Kyrgyz Indigo, *Challenges and barriers as consequences of economic vulnerability of trans* women*, 46.

⁵ Kyrgyz Indigo, Labrys, *Needs Assessment-T*, 26.

⁶ Kyrgyz Indigo, *Challenges and barriers as consequences of economic vulnerability of trans* women*, 14.

⁷ Kyrgyz Indigo, Labrys, *Needs Assessment-LGBQ*, 33, 75. https://indigo.kg/wp-content/uploads/2017/06/otsenka-potrebnostey_2016-compressed-1.pdf

education, and the integration of reproductive health into national strategies and programmes.

Access to information on sexual reproductive health in Kyrgyzstan is low. Existing data almost never reflects the sexual reproductive life of LGBT+ people. According to the LGBQ needs assessments, slightly less than half of the respondents indicated that they needed more information on sexual health issues. 18.61% indicated that they needed information on HIV / AIDS and sexual life, 27% - information about STIs, and safe sex.

Testing and treatment for STIs are individually paid and expensive. Many LGBT+ people cannot afford it. At the same time, STIs are considered the entrance gateway to HIV, and trans* people, gay, bisexual men are vulnerable to HIV.

Target 3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.

Universal health coverage is necessary not only to comply with the principle “leave no one behind,” but also for the proper functioning society. Unfortunately, the government does not collect disaggregated data on SOGIESC with regard to universal health coverage. When the government doesn’t ask, it will fail to properly respond. Although community-generated data is helpful, the government also needs to collect and disaggregate its data. A study⁹ on the quality of medical services for LGBT+ people suggests that 77.5% of the services received as part of the study were satisfactory, but 7% of healthcare and service providers were discriminatory and used religious or traditional based values arguments to deny or harass LGBT+ people and criticize their sexual orientation and gender identity. This demonstrates that there are isolated cases where LGBT+ people are discriminated by health workers. However, the study covers only the capital of country and it is more likely that the situation in the regions and rural areas is much worse.

Study¹⁰ of medical services for trans* people showed that most of the necessary friendly medical services can be found only in Bishkek city, while many trans* specific services are completely absent in the regions. Moreover, the study demonstrates how isolated cases of discrimination can affect the entire community. Due to the fact that several trans* people faced refusal in provision the emergency care, many trans* people are afraid of being denied emergency medical services when they are in the most vulnerable position.

Case

⁸ Ibid, 31, 74.

⁹ Kyrgyz Indigo, *Assessment of the level of homo | bi | transphobia and the quality of services provided at state medical institutions among the LGBT community according to the “Mystery Client” methodology*, 10-11. <https://indigo.kg/wp-content/uploads/2020/03/%D1%82%D0%B0%D0%B9%D0%BD%D1%8B%D0%B9-%D0%BA%D0%BB%D0%B8%D0%B5%D0%BD%D1%82.pdf>

¹⁰ Kyrgyz Indigo, *Mapping services available to trans people in healthcare facilities*, 24-25. https://indigo.kg/wp-content/uploads/2019/11/%D0%9A%D0%98_%D0%9A%D0%90%D0%A0%D0%A2%D0%98%D0%A0%D0%9E%D0%92%D0%90%D0%9D%D0%98%D0%95-%D0%A3%D0%A1%D0%9B%D0%A3%D0%93-%D0%94%D0%9E%D0%A1%D0%A2%D0%A3%D0%9F%D0%9D%D0%AB%D0%A5-%D0%A2%D0%A0%D0%90%D0%9D%D0%A1-%D0%9B%D0%AE%D0%94%D0%AF%D0%9C-%D0%92-%D0%9C%D0%95%D0%94%D0%98%D0%A6%D0%98%D0%9D%D0%A1%D0%9A%D0%98%D0%A5-%D0%A3%D0%A7%D0%A0%D0%95%D0%96%D0%94%D0%95%D0%9D%D0%98%D0%AF%D0%A5-%D0%9A%D0%AB%D0%A0%D0%93%D0%AB%D0%97%D0%A1%D0%A2%D0%90%D0%9D%D0%90.pdf

In February 2020, a trans woman called an ambulance. Her stomach ached badly and there was a suspicion of appendicitis. Ambulance doctors said she urgently needed to go to the hospital, but they offered to take a taxi, saying they did not want her to go in their car.*

Successful practice.

The Kyrgyz State Medical Academy of Retraining is friendly to the topic of SOGIESC. In 2018 and 2019, in cooperation with Kyrgyz Indigo, sensitization training were held for doctors undergoing retraining. UNFPA also supports training in family medicine centres in working with the key populations. In 2019, KI, together with UNFPA, conducted¹¹ a TOT on Transit for Doctors and received positive reviews, it was noteworthy that the trainers were trans* people.

The problem is that these training are possible while there are friendly civil servants and projects supporting this activity. It is important that sensitization training is conducted on an ongoing basis. Sensitization sessions to LGBT+ should be included in training modules for the future doctors.

Ways to address barriers to access to health and well-being:

In order for LGBT+ people to have equal access to quality medical services, it is necessary to combat discrimination, stigma, and centralization of services. Services should be of high quality and affordable.

- Adopt a comprehensive anti-discrimination law that includes healthcare system;
- Decentralize services for LGBT+ people in public-funded facilities and make them available in the regions;
- Safeguard funding for LGBT+ led organizations to offer necessary health care services;
- Make testing and treatment of STIs free for the key populations, including LGBT+ people;
- Include information about SOGIESC in SRHR brochures;
- Include the direction on working with trans* people in the updated HIV program in the Kyrgyz Republic;
- Train hotline staff in providing quality non-discriminatory psychological support to LGBT+ people, with involvement of LGBT+ led organizations;
- Make changes to the Procedure for assigning and changing a personal identification number, add a change in the gender marker (passport gender) in the documents of transgender people as a basis for changing PIN number;
- Monitor private institutions/organizations for discrimination against HIV-positive people;
- Collect and disaggregate data on access to the right to health for LGBT+ people;

¹¹ <https://indigo.kg/v-bishkeke-proshel-ocherednoy-trening-po-transit-delaem-obzor-vnedreniya-novogo-rukovodstva.html>

- Include SOGIESC topics in routine training of health care providers on an ongoing basis. It is necessary to connect LGBTI-led organizations to prepare the module and conduct trainings.

SDG 4. Quality education

A person who has received a quality education is competitive in the labour market and more efficient in work that helps to develop our society. Unfortunately, most LGBT+ people face bullying and harassment at school and university, which is why many are forced to leave educational institutions before graduation.

Case

A trans man was blackmailed in school for years by his classmate. They constantly extorted money from him. One of the girls said that he needed to wash away the sin of the “uncleanness” and he had to go to Syria for a holy war. If he dies, then Allah will forgive him. These threats and calls to become a terrorists lasted about a year. In this case, after graduating from the ninth grade, a trans* man refused to go to school, despite great success in his studies, and this ended his education. He also gave up chess, which he studied since childhood.*

Bullying in education system

Due to widespread homophobia and transphobia, many children at school cannot express their SOGIESC. Any gender expression that goes beyond gender stereotypes can cause systematic bullying at school and university. Teachers and professors can also perpetuate stereotypes and prejudices and use their power not to prevent bullying, but to enhance its impact on students.

Unfortunately, the education system lacks of mechanisms to prevent bullying, which complicates access to education for many vulnerable groups. Due to the constant stress and bullying, they cannot concentrate on studying, which reduces their academic performance and productivity. Most of them try to leave the place of study at any convenient opportunity and do not receive the proper education, as a result of which they are less competitive in the labour market and are less likely to contribute to the development of society and are more likely to become vulnerable to hunger and poverty. This is a vicious cycle. In order to reduce hunger and poverty and enhance development and economic stability, it is important to provide equal access to quality education for all, especially vulnerable segments of the population, including enacting measures to protect and promote the rights of LGBT+ students in education institutions.

Case

In 2016, a gay man was harassed by a department head. The professor suspected that the student was a gay. He constantly spread rumours and spoke badly against the student, and also tried to remove him from university whenever possible. One day, professor told classmate of that student that she should not communicate with him because he is a gay. The student then transferred to another faculty.

Statistics¹²:

41% of trans people noted that their gender identity affects their educational opportunities, 11% worry about their safety when visiting the University.*

Necessary actions to promote equal access to quality education:

- Adopt an anti-bullying policy in the system of secondary and higher education, which will include SOGIESC as protected characteristics;
- Provide recommendations and implement training programs for teachers and counsellors on how to deal with LGBT+ students, schoolchildren who experience discrimination or ask questions about their sexual orientation and/or gender identity and expression, as well as sex characteristics;
- Include a human rights module in the national school curriculum of the “Human and Society” course, provide sufficient resources for the education and training of teachers in the field of human rights and provide them with training on topics such as sexual diversity and gender equality;
- Provide access to SRHR commodities, such as condoms, lubes, etc., as well as comprehensive inclusive sexuality education.

Equal access to qualified education and decent work can significantly reduce poverty and hunger among LGBT+ communities. This requires the political will to create mechanisms to protect citizens from discrimination.

SDG 5. Gender Equality

Kyrgyzstan recognized the need to fight for gender equality. Back in 2008, a law¹³ was passed on, state guarantees the equal rights and opportunities between men and women, which is designed to protect people from discrimination based on gender.

LBT+ women, like others, can face the effects of gender inequality. A positive factor is that the feminist movement of civil society is inclusive of all women, regardless of SOGIESC, which helps to integrate the issues of LBT+ women into the general feminist agenda.

Case

In May 2020, due to an increase in domestic violence, women's organizations opened additional shelters in Bishkek for women victims of violence. These shelters were open to all women, including LBT+.

Proper and improper women

However, a serious barrier to the achievement gender equality in Kyrgyzstan is the attitude towards women by the authorities. It is arbitrarily categorizes women through hate speech against feminists, LBT+ women into those who are “proper” and “improper,”.

¹² Kyrgyz Indigo, Labrys, *Needs Assessment-T*, 14.

¹³ <http://cbd.minjust.gov.kg/act/view/ru-ru/202398>

“Improper” women are all socially disapproved groups, including LBT+ women, and those who are actively fighting for gender equality. Human rights activists note that the situation is getting worse every year. A few years ago, “improper” women were excluded from the summons, their problems were ignored and they remained invisible.

Case

In 2019, LBT+ women participated in the March for Women's Rights. Authorities have publicly stated that LGBT+ people should not appear at such events; LBT+ women steal a gender agenda. This position divides women into the “proper” - who have the right to publicly raise their agenda and “improper” – who do not have such right.

In the national strategy¹⁴ to achieve gender equality until 2020, there is a statement that everyone has the right to use the services regardless of various factors, includes SOGI. However, SOGI is not mentioned as protected grounds of discrimination and in the annex¹⁵ to this strategy (action plan). Socially approved features that give the document intersectionality, such as ethnicity, age, place of residence remain in the action plan. There is no SOGI in the law on state guarantees of equal rights and opportunities for men and women.

Even Though there has been dialogue for a long time between the state and civil society organizations on the inclusion of LBT+ women in the gender agenda, this has not led to anything significant. In several CEDAW cycles, civil society reflected the human rights concerns of LBT+ women, but the state either ignored these questions or answered extremely vaguely.

Example:

In 2020, Kyrgyzstan responded¹⁶ to a list of questions from the fifth periodic report at CEDAW. When asked what steps the state is taking to combat discrimination and violence by the police against vulnerable groups, including LBT women, the state replied that crimes should be recorded in a single register of misconduct and crimes. The state does not clarify the principle and method for registering crimes to combat discrimination and violence against vulnerable groups.

Case

In 2019, a lesbian was forcibly kept at home by her brother and mother. They beat her and took away her communication devices. She managed to contact Kyrgyz Indigo that arrived at her house and called the police. The lawyer asked the police to give the victim a protection order (a document providing state protection to the victim of domestic violence). The police refused, saying that they would only issue a protection order to women who suffered from husband's violence, despite the fact that the law¹⁷

¹⁴ <http://cbd.minjust.gov.kg/act/view/ru-ru/12728?cl=ru-ru>

¹⁵ <http://cbd.minjust.gov.kg/act/view/ru-ru/93343>

¹⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2fRQ%2f5&Lang=en

¹⁷ Kyrgyz Republic, “On the protection against domestic violence”, <http://cbd.minjust.gov.kg/act/view/ru-ru/111570>

defines domestic violence as violence by a family member over another and this case falls under the definition.

LGBT+ people are vulnerable to gender-based violence, they face corrective rape, forced marriage and conversion therapy, which are still not prohibited in the criminal law of Kyrgyzstan.

Case

An intersex man was raised as a girl. The family wanted to forcefully perform a sex-corrective surgery on him and marry him in order to “correct” his gender identity. In 2018, he managed to contact Kyrgyz Indigo, who took him to a safe place.

Necessary actions to promote gender equality:

Gender Equality achievement is impossible if women are divided into those who are “proper” and “improper.” Kyrgyzstan needs to acknowledge the existence of gender inequality, adopt an intersectional approach and engage civil society to address current challenges.

- Include LBT+ women in programs, plans on gender equality;
- Monitor authorities' hate speech about LGBT+ people and hold them accountable;
- Include the concept of “corrective rape” into the criminal code and define it as an aggravating circumstance;
- Formally prohibit conversion therapy aimed at “correcting” SOGIESC both on the part of medical workers and by any other actors. LGBT+ organizations annually record cases of conversion therapy, most of them are violence by Muslim religious figures who strangle, beat LGBT+ people to expel the “genie.”

SDG 8. Decent work and economic growth

The opportunity to decent and paid work reduces vulnerability to hunger and poverty, and improves the quality of life of individuals, their families, and society overall. Everyone has the right to decent work, which leads to economic growth and development. LGBT+ people, like other citizens, work daily and contribute to the improvement of the world. However, there are factors that influence unequal opportunities for LGBT+ people in the sphere? of work, and more visible members of the community become especially vulnerable.

Statistics¹⁸:

*More than a third (39%) of the surveyed trans * people said they faced barriers in finding a job and being employed. The main reason is the mismatch of their gender identity with their legal documents. Also, more than half of the respondents (72%) worked illegally or in the informal sector (sex work, car washes, construction sites).*

¹⁸ Kyrgyz Indigo, Labrys, *Needs Assessment-T*, 14.

Factors Affecting Vulnerability

“Leaving no one behind” is the main principle of the Agenda 2030 and the SDGs, which clearly highlights that it is impossible to achieve a sustained and developed world if the main goals are not achieved for everyone. It is impossible to achieve the Agenda 2030 if all goals are not equally addressed, as they are interlinked and interconnected. Furthermore, barriers in accessing one SDGs lead to barriers in others. For example, LGBT+ people who are bullied as children in schools and face discrimination in education have subsequent impacts on their ability to get quality education and further decent employment. Some people from the community dropout from school and employed in low-paid jobs, where qualifications are not required. Some continue to struggle with the system, or remain invisible in it, some members of the community enrol in specialized educational institutions, which are aimed at providing specific skills for work, some will anyway encounter bullying, which negatively affects their ability to learn, feel safe, and leave with adequate knowledge and skills. Furthermore, some people from the community will be kicked out of their houses and rejected by their families, they will have nowhere to go. Many LGBT+ people face internalized stigma and experience mental health issues and difficulties due to internal and external homo\bi\transphobia, which negatively affect working capacity. Many LGBT+ people will eventually also get sick and will not be able to get non-discriminatory medical care, while others will face discrimination, harassment, and victimization while contacting the police after experiences of discrimination or violence. Only a small part of the LGBT+ community will be able to circumvent these obstacles, get a quality education, and find a decent job. However, their success in work will depend on how carefully they hide their identity. Some of them who have received decent work will face harassment or dismissal in the event of the disclosure of their sexual orientation or gender identity.

The lack of systematic access to decent work for LGBT+ people affects the increase in hunger and poverty among the community as well as experiences of living in inadequate shelter and housing, the development of diseases, and mental health issues.

Case:

A gay teacher was forced to quit teaching when administration learned about his sexual orientation. The administration began to harass and threaten to disclose information about his personal life.

Due to the problems described above, many LGBT+ people leave the country in search of a better and more dignified life. In a study¹⁹ on trans* women sex workers with migration experience, two main migration factors were noted:

- 1) A sense of insecurity, pressure, susceptibility to persecution in society and the resulting desire to gain freedom and security;
- 2) Financial difficulties, including in the family, which force the target audience to change their place of residence and move to more economically developed countries and cities.

¹⁹ Kyrgyz Indigo, *Challenges and barriers as consequences of economic vulnerability of trans* women*, 29-30.

The study was initiated after two trans* women migrants from Kyrgyzstan died in Russia under strange circumstances. It showed the vulnerability and systems of impunity in which the respondents are located. According to the survey²⁰:

- 88% of respondents have experienced violence and discrimination,
- 80% have experienced violence by clients,
- 81% have experienced violence and discrimination by law enforcement agencies,
- 62% have been detained by law enforcement officials at least once,
- depression is observed in 69%,
- 46% tried to commit suicide,
- 26% of those who know their status are HIV positive,
- 31% and 27% think they have alcohol and drug addiction, respectively.

The problem of migration is acute in Kyrgyzstan, programs aimed at supporting migrants are disproportionately small and at the same time, they are not always gender sensitive and friendly to LGBT+ people.

Trans* women, due to their gender expression, often turn out to be the most vulnerable group within the community and have the least access to decent employment. Many work in informal jobs, most often providing sex services. Given that in Kyrgyzstan there is a penalty for maintaining a “stash,” and its definition²¹ is vague, sex workers who pay for their apartment and provide services from their homes may receive criminal punishment, which is a “hidden” way to criminalize sex work. Many policemen blackmail sex workers, including trans* women, because of this draconic law. There is even the concept of a “mark” - this is when sex workers pay a certain amount of money to police officers on a weekly basis so that they do not harass them. In 2019, according to trans* women sex workers, the weekly rate was 2,000 soms (about 30USD). Due to the frequent worries of the police, many trans* women sex workers are often forced to move and often are forced onto the streets.

Case:

In June 2017, in Bishkek, a trans woman, sex worker was taken from her house by police officers and put into their car. Her mobile phone was taken from her. They held her for eight hours and demanded 20,000 soms (about 300 dollars at that time) for being a sex worker, she was intimidated by the law and feared punishment. She said she did have that kind of money. Then she was told to have sex with all (four) police men. They arrived at a house on the outskirts. She was forced to have sex with each of them. Then they brought her back and left her near her house.*

Necessary actions to promote decent work:

- Create LGBT+ friendly programs for migrants with vocational trainings and job creation;

²⁰ Ibid, 11-18.

²¹ Kyrgyz Republic, Criminal Code, annex 1 (The meaning of the terms used in this Code), item 21.
<http://cbd.minjust.gov.kg/act/view/ru-ru/111527?cl=ru-ru>

- To exclude or give a clearer definition of the “stash” in the Criminal Code to exclude the punishment of sex workers themselves for the services rendered;
- Adopt a policy to ban harassment of LGBT + people in the workplace.

SDG 10. Reducing inequality

The first and important step to solve the problem of inequality is to recognize it. Only by acknowledging the existence of a problem a solution can be found. Kyrgyzstan needs to recognize the vulnerability of LGBT+ people and, together with civil society, look for solutions.

LGBT+ people can be vulnerable to poverty, often excluded from political, economic, and social life, which is a barrier to the full realization of themselves in society. Often the problem with this is discrimination. **Target 10.3** suggests the need to eliminate discriminatory policies and practices. Kyrgyzstan, in turn, in the VNR openly recognizes the existence of a problem in the absence of effective mechanisms to combat discrimination.

Kyrgyzstan has repeatedly received recommendations from treaty bodies and other countries, as part of UPR cycles, as well as from civil society, on the need to adopt comprehensive anti-discrimination legislation that will be inclusive of vulnerable groups and have a clear mechanism of enforcement. This law would be able to give vulnerable groups a sense of security and the opportunity to assert their rights and freedoms. That would improve not only the mental state of vulnerable groups but also reduce the inequality that exists in society. The bill needs to be reconsidered and be more inclusive of various groups, including LGBT+ people.

Another issue of inequality is the lack of an intersectional approach. People with intersecting forms of discrimination are most vulnerable to inequality, poverty, and violence. Thus, according to the results of various studies, the most vulnerable within the LGBT+ community are trans* women sex workers, HIV-positive gays, bisexual men, trans* people, LGBT+ persons from ethnic minorities, LGBT+ migrants, trans* and intersex people, LBT+ women, queer Muslims and others.

Statistics:

In 2018, in the city of Osh over three months were more than 15 cases of extortion and threats by the police against gay people. Due to the fear of face public outing, people were forced to borrow, sell valuables, and give money to police officers. The price depended on the person’s ethnicity. Ethnic Uzbeks were forced to pay 5-15 times more than ethnic Kyrgyz.

The positive experience of Kyrgyz Indigo was focused work with intersecting groups within the LGBT+ movement, which helped to strengthen the voice of the most vulnerable in addressing inequality. An alternative report was presented at the 95th session of the Committee on the Elimination of Racial Discrimination on how LGBT+ people from ethnic minorities could be vulnerable. The committee made recommendations to remove

barriers, and, in turn, the state in response developed an interagency plan²² for human rights, in which there is an activity aimed at working against discrimination not for against ethnic minorities but also for LGBT+ people.

How to reduce inequality:

- Include LGBT+ people in programs for working with vulnerable groups (migrants, sex workers, HIV positive, ethnic minorities, etc.);
- Support the campaigns of the LGBT+ movement to end inequality and discrimination;
- Conduct awareness-raising campaigns about LGBT+ people for key services employees (doctors, police, social workers);
- Exclude from article 149 of the Criminal Code of the Kyrgyz Republic (Infection with an incurable infectious disease) part 1 - (Putting another person at risk of contracting the human immunodeficiency virus) as discriminatory and aimed at HIV criminalisation.
- Start collecting multidimensional measurement data by including SOGIESC to understand how government development efforts to reduce inequality help to “leave no one behind”;
- Adopt and implement all UPR and treaty bodies recommendations that would go toward ensuring protections and reduced inequalities for LGBT+ people.

SDG 16. Peace, justice, effective institutions

In the interest of sustainable development, peace, inclusive and fair justice, and effective institutions for all are needed.

Target 16.1 speaks of the need to reduce violence as a key factor in creating peace. Due to widespread homo\bi\transphobia, LGBT+ people are vulnerable to violence. A study of the needs of LGBQ communities and trans* people suggests that LGBT+ people are often victims of violence by relatives and close friends if they know about their SOGI. Law enforcement agencies not perceived as sources of protection of rights. Most community representatives say that they have at least once experienced negative/discriminatory behaviour/attitudes from police officers. Another source may be homo\bi\transphobic people who attack LGBT+ people if they are visible. Public outing by journalists who work with police officers and visit raids and places where LGBT+ people are present is becoming a dangerous trend. This has led to individuals who have been victims of violence from strangers who have watched a particular report or read a particular article identifying LGBT+ people.

Case 1:

In 2019, a gay man was kept at home and beaten by family members for a week.

Case 2:

²² <http://cbd.minjust.gov.kg/act/view/ru-ru/216688>

In July 2018, a cross-dresser was illegally detained by police. He was tortured, beaten, and forced to commit acts of sexual nature, everyone was filmed on video, forced to confess his sexual orientation. After, he was told that if he goes anywhere, then this video will be distributed publicly on social networks.

Case 3:

November 2019. A trans man was beaten by an unknown man near an LGBT+ bar. They insulted him and said that such clubs had no place in the country.*

Case 4

In 2018, according to an injured trans woman, she and her friend were sitting in the car. They were seen by men in civilian clothes who began to say that they are police officers and behaved extremely aggressive. The women refused to go out and have a conversation with them, then the patrol police drove along with the journalists, who started filming the passenger on video. A video with transphobic comments was posted on social media. After this, over the next time, the trans* woman has periodically encountered aggression and violence on the streets from strangers who recognize her from the video. A positive fact is that in 2019 she won a trial against journalists on the case of protecting her honour and dignity. This is the first open case of the LGBT+ person against journalists and public outing²³.*

All these events made LGBT+ people feel insecure; they cannot fully realize themselves in society that leads to an economic downturn. **Target 16.3** is aimed at solving problems with violence and speaks of the need for the rule of law, which can restore the rights of the victim. There are several successful cases when LGBT+ people's rights and freedoms were upheld, and justice was executed, specifically when attackers and rapists received sentences and criminal sanction for their acts. This has led to people within the community becoming more open and ready to fight for their rights and openly report crimes committed against them because of their SOGIESC. The low level of cases against violence and discrimination committed by officials, including police officers, however remains a barrier.

Case:

A trans women sex worker was systematically extorted by the police in 2018. She published information about this in the media, on the basis of which the prosecutor's office ordered a check, without even calling the victim for questioning and without asking her for evidence. Then an appeal was written, the case was transferred to the State Committee for National Security. This also did not cause the victim and did not give any comments on the case. In August 2019, the case was again closed without any investigation. Despite the fact that she received threats because of the statement, as

²³ <https://vesti.kg/obshchestvo/item/65395-v-bishkeke-transgendernaya-devushka-vyigrala-sud-u-zhurnalistov.html>

*well as the suspect himself - the district police officer admitted his violations, the case was closed*²⁴.

The aim of **target 16.5** is to reduce corruption in countries. In recent years, in Kyrgyzstan, there has been an increasing hostility of society to the phenomenon of corruption and a desire to eliminate it. The state is working towards the eradication of corruption. It is very important that the measures taken relate to the presence of gaps in the system, due to which LGBT+ people are subjected to extortion and become part of a corruption scheme. It is necessary to exclude or update the concept of “stash” in the Criminal Code of the Kyrgyz Republic so that trans* women sex workers are not subjected to extortion by police and threats that they will be sentenced under the article penalizing operating a brothel.

Target 16 b speaks of the need for non-discriminatory policies and laws that can create effective institutions for all. Therefore, Kyrgyzstan needs to abandon a number of discriminatory initiatives that could cause harm to LGBT+ people.

First of all, it is necessary to exclude the law on gay propaganda from the parliament’s agenda, which, if adopted, will negatively affect the activities of LGBT+ human rights organizations and people from the community. It will also lead to increased violence, discrimination, and harassment of LGBT+ people and lead to multiple violations of their human rights and negatively impacts the ability of health and HIV prevention messages from being adequately tailored for gay, bisexual men and trans* people.

An LGBT+ community member said of the law,

“I think it’s wrong to promote the gay propaganda law. There will be a lot of suicides and violence. Affects, of course, the police will beat. They’re doing it now, and if they adopt this law, they will even more deeply begin to persecute us”

Freedom of Association and Assembly

In 2019, members of the radical group “Kyrq Choro” openly threatened²⁵ to commit a terrorist attack if civil society events would be allowed to move forward on May 1 in support of the labour rights of women and LGBT+ people. They have not received any punishment for these public threats and are planning to run²⁶ for parliament in 2020. The feminist group 8\365 was attacked twice (May 1, 2019, March 8, 2020), but there are still no objective investigations, while both acts of violence took place in the presence of police officers, and on March 8, 2020, police detained activists and not attackers.

More and more openly, government officials broadcast hate speech against LGBT+ people. In 2019, MP Zhyldyz Musabekova said that the march for women's equal rights was a gay parade which also went against Kyrgyzstan’s national values. She stated that in order to preserve the Kyrgyz people, it is necessary to invite law enforcement agencies and give a legal assessment of the march. On her personal social media page, she was

²⁴ <https://indigo.kg/ignoryrovat-nelzya-pomoch-kak-trans-devushka-dobivaetsya-pravosudiya-ot-gosudarstva.html>

²⁵ <https://www.currenttime.tv/a/bishkek-anti-lgbt-protests/29819834.html>

²⁶ <https://kloop.kg/blog/2020/03/17/kyrk-choro-planiruyut-ballotirovatsya-v-parlament/>

more open to hate speeches and calls for violence, but the GCNS (Government Committee of National Security) did not find any violations were committed in her speeches. Moreover, the GCNS representative suggested that the committee minimized²⁷ the inclusion of LGBT+ symbols in the march and proposed the adoption of a new law on NGOs, one similar to the law passed in Russia, which would lead to even more limitation on financing for LGBT+ people and organizations. The deputy speaker of the parliament said that it is necessary to adopt a law on LGBT+ (the law against gay propaganda), which is now being considered in Parliament, despite the fact that Kyrgyzstan has repeatedly received recommendations from the UPR and treaty bodies to exclude this law from the national political and legal agenda.

In 2020, government officials openly stated that LBT+ women cannot advocate for gender equality along with other women. On March 3, during a trial banning peaceful assemblies, a law enforcement official openly stated that LGBT+ people participated in it last year and argued that on those ground the march should be banned. He stated that the slogan of trans* women of 2019, “Proud to be trans,” is an example of what should not appear in the march. At the trial on March 5, statements by a representative of law enforcement agencies repeated²⁸ that again. The head of the mayor’s office openly stated that he would not allow LGBT+ people to have symbols in the march for women's rights, saying²⁹, “There will also be a march of feminists who advocate for women's rights. What does LGBT have to do with it? Kyrgyz society does not accept this, so we will harshly suppress this.” He did not specify why LBT women do not have the right, along with other women, to freedom of peaceful assembly. He also did not mention which law regulates the suppression of the participation of LGBT+ people on marches.

During the march, feminists were attacked and detained. Parliamentary deputy Jyldyz Musabekova said³⁰, “These gay men are tired of turning the holiday into a mess. They did the right thing to disperse them. Now we need to drive them out of the country.” The open discrimination and manipulation of the truth is visible by the representative of the state. Women feminists were detained, not gay men, but the deputy uses homophobia as an excuse in the eyes of a conservative society for increased police actions and harassment. Moreover, she supports illegal actions and calls for the expulsion of “improper” women from the country.

Necessary actions to promote peace, justice, effective institutions:

If the first step in creating an equal, peaceful, just society is to accept and recognize the existing barriers and problems, then the second important step is to advance mechanisms to address and prevent these barriers.

²⁷ <https://kloop.kg/blog/2019/03/13/live-kyrk-choro-trebuyut-otstavki-mera-bishkeka-iz-za-uchastiya-lgbt-lyudej-v-zhenskom-marshe/>

²⁸ <https://kloop.kg/blog/2020/03/05/vlasti-zapretili-marsh-za-prava-zhenshin-iz-za-koronavirusa-2/>

²⁹ <https://vesti.kg/politika/item/69161-rukovoditel-apparata-merii-my-ne-dopustim-demonstratsiyu-lgbt-na-marshe-8-marta-v-bishkeke.html>

³⁰ https://kaktus.media/doc/407534_jyldyz_mysabekova:_nadoeli_eti_gei_kotorye_prevrashaut_prazdnik_v_besporiadok.html

- Exclude from the agenda of the Parliament a discriminatory law on gay propaganda that will disproportionately negatively affect the lives of LGBT+ people;
- It is necessary to revise the vague wording in the proposed bill “protect children from harmful information,” which could lead to a violation of the Constitution. For example, the proposed law has a broad and vague wording which can be used maliciously, including on the penalization of sharing information, as well as a clause which states that sharing any information that denies family values is harmful. Family values in different families are different and given the homophobic attitudes in society, this clause can be used against LGBT+ people and organizations which works to increase visibility and information within society about the community and the problems of discrimination and violence;
- Include the concept of “hate speech” into the Criminal Code of the Kyrgyz Republic and add SOGIESC as protected characteristics, which leads to a decrease in hatred in society. A study by the Coalition for Equality for 2019 showed that discrimination in public discourse and hate speech against LGBT+ people was 20% of the total number of such publications, which put hate speech against LGBT+ people in second place after ethnic xenophobia in public discourse³¹;
- Include the concept of “hate crime” into the Criminal Code of the Kyrgyz Republic and add SOGIESC as protected characteristics that will significantly reduce the number of crimes against LGBT+ people;
- Adopt instructions for working with LGBT+ people for police officers. The instruction will help solve the “specific” barriers that LGBT+ people face at the moment of detention and should be implemented in partnership with LGBTI-led organizations;
- Prevent violence and harassment of LGBT+ people in incarceration settings, including the provision of separate safe cells;
- Conduct fair investigations into the attacks of May 1, 2019, and March 8, 2020, against feminists;
- Investigate and penalize police officers present on May 1, 2019, during attacks;
- Investigate and penalize police officers present on March 8, 2020, during attacks;
- Investigate and penalize police officers who illegally detained activists on March 8, 2020;
- Conduct fair investigations into calls for violence against LGBT+ people, including by government officials.

SDG 17. Partnership for the goals

International organizations support local non-profit organizations and the state to achieve sustainable development goals. The collaboration of local civic organizations and government agencies has proven to be highly effective.

The LGBT+ movement is ready to work with the state to address solve the issues and barriers to access that LGBT+ people face. The NGO “Kyrgyz Indigo” without hesitation to

³¹ Coalition for Equality, Discrimination and intolerance in the public discourse of Kyrgyzstan, 19-22.

conduct training and sessions for hotline employees, police officers, and doctors. The organization is always open to the joint development of protocols, documents, plans where expertise is required on SOGIESC.

The state has the necessary power and authority and civil society has the expertise and access to communities, international organizations have the resources, technical support, and experience in solving similar problems in other countries. Only by combining efforts together, is it possible to achieve the goals of sustainable development and build a safe, prosperous world for all and leave no one behind.

Conclusion

The LGBT+ community is not sufficiently reflected in the agenda of the sustainable development goals of Kyrgyzstan, which complicates achievements. The government should put more efforts to collect robust, disaggregated data in order to inform policymakers; communities and CBOs should be actively consulted and integrated into implementation plans for the achievement of the SDGs; discriminatory and exclusionary laws, policies, and practices should be reformed and repealed, and protective laws should be enacted.

The expression of public non-tolerance towards LGBT+ people by the authorities' increases violence and discrimination in society, which worsening the vulnerability of the community. Agenda 2030 cannot be reached without the inclusion of LGBT + population as a part of the principle to leave no one behind. Thus, Kyrgyzstan must stop using the LGBT+ agenda for political purposes and put as much efforts towards achievement equality, equity and tolerance as possible.