Statement in solidarity with the LGBTI movement in Kazakhstan

News, Civil Rights and Freedom, Legal Protection, Safety, Anti-propaganda Laws, Freedom of Expression, Kazakhstan

ILGA-Europe stands with Kazakhstan's LGBTI Community amid Russia-style attempts to criminalise LGBTI people and their human rights

ILGA-Europe express solidarity with the LGBTI community in Kazakhstan as they face legislative proposals which will worsen the already exacerbated situation of the LGBTI community in the country. Two concerning anti-LGBTI legislative initiatives that were voiced last week by two separate groups of members of Kazakhstan's Parliament threaten the fundamental rights and freedoms of LGBTI individuals in Kazakhstan.

The initiative by the Parliament members Aimagambetov and Ashimzhanov (both from Amanat Party) attempt to introduce a legal prohibition for mass media to write about "non-traditional sexual orientation". In the same week, Parliament members Zhanbyrshin and Musabaev (also from Amanat party) introduced a draft amendment to include so-called "propaganda of non-traditional sexual relations" in the "discord incitement" provision 174 of the Criminal Code and to prohibit peaceful assemblies on the same ground.

Such initiatives aim to divert attention from pressing issues like natural disasters that the entire northern and western Kazakhstan has been suffering for the past few weeks, with so many villages and towns affected, and over 100,000 people relocated, as well as the nation's worsening socioeconomic situation and rising public call for the elimination of domestic violence. We call on the Kazakhstan Government to not arbitrarily target the LGBTI community and violating the principles of non-discrimination enshrined in the Constitution of Kazakhstan.

In the past couple of weeks, according to some media reports and from information spreading in messenger chats, the Law Enforcement of Astana have been illegally raiding nightclubs, specifically targeting LGBTI people. This is demonstrative of how such anti-LGBTI discourse and initiatives directly reflect on the safety of LGBTI people.

Kazakhstan's current legislation does not protect LGBTI people from bias-motivated crimes, places discriminatory and humiliating barriers for legal gender recognition, bans same sex marriage and adoption by LGBTI persons, among many other pressing issues. The existing provisions restricting human rights of LGBTI people and any further attempts to do so contradict Kazakhstan's international legal commitments, including the implementation of Recommendation No. 139.48 within the Kazakhstan's previous reporting under Universal Periodic Review cycle, which calls for creating an enabling environment for LGBTI activist groups and human rights defenders.

We are also deeply concerned about the implications of amending Article 14 of the Law on Peaceful Assemblies, which would restrict the right to peaceful assembly for the LGBTI community and other civil society actors. This move further marginalises an already vulnerable community and threatens the democratic principles Kazakhstan aspires to uphold.

ILGA-Europe denounces any attempts to introduce discriminatory legislation that targets the LGBTI community. The LGBTI community in Kazakhstan deserves legal protection and recognition without discrimination.

We urge the Parliament to refrain from any future attempts of adopting anti-LGBTI legislation, and start to engage in meaningful dialogue with civil society and expert organisations to ensure the protection of LGBTI rights. We call on Kazakhstan to uphold its constitutional duty to protect the rights of all citizens, including on the grounds of sexual orientation or gender identity.

We call upon the International Partners of Kazakhstan to join us in reinforcing the dialogue on asking the Government of Kazakhstan to work towards improving the situation with human rights of LGBTI people.

ILGA-Europe stand in solidarity with the LGBTI community in Kazakhstan and reaffirm our commitment to supporting their struggle for equality, dignity, and respect. We encourage individuals and organisations to join us in speaking out against discrimination and advocating for the rights of all LGBTI individuals in Kazakhstan.

BACKGROUND

On February 11, the Ministry of Information of Kazakhstan blocked the selftanu.kz website which aimed at raising awareness of LGBTI teenagers about their rights and providing them with information on healthcare and reproductive rights, among others. The Ministry justified its decision that the information on the website violates the norm of the legislation on preventing dissemination of information that would cause harm to the health and development of children.

On February 23, Kazakhstan's President Tokaev signed the law preventing LGBTI people from mentoring orphans. When asked how the authorities would identify LGBTI identity of prospective mentors, the Vice-Minister of Education of Kazakhstan Natalia Zhumadildaeva stated that LGBTI people would be prevented from adopting and mentoring orphans according to these provisions. She claimed that the Ministry had developed a special psychological test for such purposes. Again these are non-scientific and inhumane approaches that contradict common sense and go against Kazakhstan's national and international commitments to uphold human rights and non-discrimination.

On March 5 the authorities of the Almaty Mayor's office responded to questions why it had prohibited the women's inclusive rally dedicated to International Women's Day marked on March 8. Almaty authorities recalled that over the past few years, representatives of feminist movements have already held authorised rallies on March 8. But officials were unhappy that during the protests the organisers and participants "repeatedly deviated from the stated topic." They claimed that there had been numerous requests from different citizens not to allow the women's rally, because reportedly "In appeals to them and in messages on social networks, the organisers of the rally, under the guise of the fight for women's rights, actually promoted non-traditional values that were alien to Kazakh society such as same-sex relationships, marriages, LGBT symbols and others. And, in order to ensure the safety of participants in peaceful assemblies, in order to avoid violation of the rights of city residents and other persons, and to prevent violation of public safety by the Almaty authorities, a decision was made not to approve the rally of feminist organisations".

On April 5, within the discussions of amendments to the Law on Mass Media, the first initiative was put forward by Parliament Members Askhat Aimagambetov and Zhanarbek Ashimzhanov (both from Amanat Party) to include provisions that would ban Mass Media from mentioning anything about LGBTI. This was followed by another more restrictive initiative on April 10 by Parliament Members Edil Zhambyrshin and Samat Musabaev (also from Amanat Party). In particular, they proposed an amendment to Article 174 of the Criminal Code ("Inciting social, national, tribal, racial, class or religious hatred") to include criminal charges for those who break the law and publicly mention about LGBTI. Although, both provisions did not make it to the second reading of the bill and when it was passed to the upper Chamber of the Parliament. However, LGBTI activists fear these amendments may resurface as the initiators made it clear they would not withdraw their attempts to follow through.

For the past couple of weeks, according to media reports and information shared on messenger chats, law enforcement in Astana has been illegally raiding night clubs and specifically targeting LGBTI people under the false

pretence of preventing illegal proliferation of drugs. Reportedly the police are also raiding private parties organised in apartments and houses, as well as nightclubs that are not specifically LGBTI-themed.