



**Human Rights Council
March 1, 2019**

Clustered Interactive Dialogue: SR on privacy and SR on cultural rights

Statement by: International Lesbian and Gay Association

Delivered by: Gulzada Serzhan

Mr. President,

This statement has been drafted in consultation with the Kazakhstan Feminist Initiative “Feminita”.

We want to express our appreciation to the Special Rapporteur on the right to privacy for addressing the challenges faced by lesbian, gay, bisexual, trans and intersex persons in connection to the digital environment in his thematic report. We encourage states to implement the recommendations made to that end.

The digital environment presents unique opportunities to LGBTI persons, to connect, gather and exchange information and self-organize, in particular including in situations when offline gathering is not possible.

However, LGBTI persons’ right to privacy is at stake in the context of digital communications. In Kazakhstan, we supported a lesbian couple who were harassed after a man made a video with them kissing in a mall. This video was widely disseminated on the Internet and through the media. As a consequence, the couple was recognised in public spaces, threatened and harassed. Our appeals to protect their right to privacy in courts were rejected, and it was stated that the man who made and disseminate the video “acted as a defender of morality of the population. The applicants' behaviour was considered immoral and obscene.” The couple had to flee the country.

The States have to take all necessary measures to prevent, investigate and punish breaches of privacy perpetrated on the basis of the gender, sexual orientation, gender identity and expression and sex characteristics.

We also want to thank the Special Rapporteur on cultural rights’ report for her invaluable support to LGBTI human rights defenders, including those working with trans communities particularly through her thematic and country work.

According to international human rights law everyone has the right to practice, protect, preserve and revive cultures, traditions, languages, rituals and festivals, and protect cultural sites of significance, associated with sexual orientation, gender identity, gender expression and sex characteristics. Everyone has the right to manifest cultural diversity through artistic creation, production,

dissemination, distribution and enjoyment, whatever the means and technologies used, without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics.

Therefore, it is a state obligation to combat discrimination in the cultural sector against, inter alia, LGBTI persons.

I thank you, Mr. President.