

**Written Submission by Civil Society
Universal Periodic Review
Kyrgyz Republic**

*Human Rights Violations Based on Sexual Orientation and Gender
Identity*

Bishkek, Kyrgyzstan
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The submitting organisations are ECOM (Eurasian Coalition on Health, Rights, Gender and Sexual Diversity), Kyrgyz Indigo, Qün Jelesi, Trans initiative group MA, and BizdaBarbyz - leading national civil society grass-root organisations whose work is focused on, and led by, LGBTIQ people.

The report was coordinated by ECOM - an international non-governmental association based in Tallinn, Estonia.

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ECOM is a membership association open to non-profit organizations and activists working on the rights and health of LGBT communities in the Eastern Europe and Central Asia (EECA) region. ECOM was founded in 2011 and registered in 2013.

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Kyrgyz Indigo is the largest LGBT organization in Kyrgyzstan. Its activities are aimed to create a society free from prejudice and stigma towards LGBT people and improve the quality of their life, strengthening the psychological health of the queer community, capacity development, and providing overall protection of their human rights.

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Qün Jelesi is a feminist queer organization that has been registered in Estonia and focused on communication, advocacy, media, and educational activities to promote the rights and visibility of Kyrgyzstan's LGBT+ community.

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Trans Initiative group MA in Kyrgyzstan is a transgender initiative group for trans people led by trans people, created to increase the potential to improve the quality of life and protect and promote the rights of transgender, gender non-conformal, and non-binary people in Kyrgyzstan.

BizdaBarbyz is a young trans and queer initiative group covering the South of Kyrgyzstan. BizdaBarbyz works with trans sex workers, Kyrgyz-speaking queer people, and the LGBT community of Roma people from Osh, Jalal-Abad and Batken oblasts, who find it hard to find themselves in difficult circumstances and invisible to the human rights movement in Kyrgyzstan.

I. Follow up on the previous review

1. In the previous UPR cycle, Kyrgyzstan received 16 recommendations related to sexual orientation and gender identity (SOGI), most of them were noted by the government. However, one notable exception was the recommendation **140.31** from Fiji, which called for a “*clear definition of unlawful discrimination and proactive measures to protect all targeted groups, including LGBTIQ individuals, people with disabilities, women, and ethnic minorities*”. Despite the support for this recommendation, the situation for LGBTIQ people has deteriorated.

2. In the previous UPR cycle, Kyrgyzstan received numerous recommendations to adopt comprehensive anti-discrimination legislation to protect LGBTIQ people. However, such legislation has yet to be adopted. In 2023, a draft anti-discrimination law was introduced in Parliament, but it excluded sexual orientation and gender identity as protected grounds. Even though the law did not mention SOGI, a Member of Parliament said, “*You need to spell out exactly who will be affected by the law. Otherwise, this document can be used by people with a different orientation... You write that people with disabilities discriminate, and tomorrow those who rally on March 8 with rainbow flags can take advantage of that. You refer to the UN, but we have our traditions. You need to list the persons being discriminated against specifically; otherwise, tomorrow Parent No. 1 and Parent No. 2 will come and claim that they are also being humiliated.*”¹ After that, the bill was withdrawn from parliament.

II. Freedom of opinion and expression

3. The right to freedom of opinion and expression continues to be violated by discriminatory laws and practices, including direct state violence and hate speech. In 2023, a so-called “anti-LGBT propaganda” law was adopted in Kyrgyzstan², restricting the promotion of information on “non-traditional” sexual relationships among minors, raising serious concerns from the Committee on the Rights of the Child³. The law criminalises the dissemination of information on “*denial of family and traditional-social values, **promoting non-traditional sexual relations and forming disrespect for parents or other family members.***”

This has led to a significant decrease in LGBTIQ-related information on media outlets and social media platforms. The LGBTIQ organizations and independent media are reluctant to publish materials about queer people out of fear of being prosecuted for violating this law. Information about sexual and reproductive health, sexually transmitted infections (STIs) and HIV is no longer accessible to the LGBTIQ community.

4. The Police are already using this law for extortion. Additionally, LGBTIQ activists are being persecuted by law enforcement, including officers from the National Security Committee. There have been several reported cases where officers approached the activists or entered their homes and disclosed people's sexual orientation and gender identity to the families, threatening them after the law was passed.

¹ Media outlet 24.kg. Protection from discrimination. MP believes that the law can be used by LGBT people. 2023. 24.kg. Available online:

https://24.kg/vlast/283008_zaschita_otdiskriminatsii_deputat_schitaet_chno_zakonom_mogut_vospolzovatsya_lgbt/

² Media outlet kloop.kg. The President signed the law “on the protection of children from harmful information. 2023. Available online: <https://kloop.kg/blog/2023/08/15/prezident-podpisal-zakon-o-zashhite-detej-ot-vrednoj-informatsii/>

³ CRC/C/KGZ/CO/5-6. para 21. 2023. Available online: <https://documents.un.org/doc/undoc/gen/g23/198/94/pdf/g2319894.pdf>

Police officers met gay men through dating applications (which already have an 18+ censor) and extorted money, citing the fact that there is a ban on LGBT propaganda in the country⁴.

Law enforcement officers visited a queer activist's home, outed her SOGI to her mother, and blackmailed her by claiming that LGBT advocacy is criminally prosecuted. However, the law includes no such provision, only an administrative penalty in the form of a fine for media publications on queer topics that might concern minors⁵.

III. Freedom of association and peaceful assembly

5. The right to freedom of association and peaceful assembly has been subject to serious harassment by the authorities in recent years. LGBTIQ people and organizations are particularly vulnerable. Despite many recommendations to abstain from passing the “Foreign Representatives” law during the 2nd UPR cycle, the Kyrgyz Republic adopted the law in 2024. Before the adoption of the law, the UN Special Rapporteurs urged the Government of the Kyrgyz Republic to reconsider it.

“We note that many provisions in the proposed law would be contrary to the international human rights obligations of the Kyrgyz Republic, including the right to the freedom of association, the right to freedom of opinion and expression, the right to non-discrimination and the right to privacy. If passed, this draft law could have a chilling effect on the operation of all associations in the Kyrgyz Republic, limiting their ability to advocate for human rights, provide social services, and contribute to the development of a robust and inclusive society⁶.”

6. The history of the law's progression is closely tied to homophobia. For example, Members of Parliament said *“The law on non-governmental organizations that has been adopted in Russia and other states is the most necessary. This is the most important problem - the fact that funding goes uncontrolled. Particularly on LGBT⁷.”*

7. The Ministry of Justice of Kyrgyzstan approved regulations for maintaining the NGO Registry of Foreign Representatives, requiring the disclosure of all staff names. This requirement violates constitutional privacy rights and endangers activists, particularly those advocating for the human rights of LGBTIQ people. The law on Foreign Representatives subjecting NGOs to additional bureaucratic scrutiny and control, has already led to negative consequences, including self-censorship among human rights organizations, the closure of public associations and the abandonment of human rights work.

8. Kyrgyzstan's government plans to amend the “Non-Profit Organizations” law. The draft is expected to be more restrictive than the recently enacted version on “Foreign Representatives”.

⁴ ECOM. National report on violations of the rights of LGBT people and MSM in Kyrgyzstan. 2023. Available online: <https://ecom.ngo/library/national-report-kyrgyzstan-23>

⁵ Kyrgyz Indigo's internal monitoring (unpublished). 2023

⁶ UN Special Rapporteurs have urged the Government of the Kyrgyz Republic to reconsider and withdraw the draft law “On Foreign Representatives”. 2024. Available online: <https://kyrgyzstan.un.org/en/248422-un-special-rapporteurs-have-urged-government-kyrgyz-republic-reconsider-and-withdraw-draft>

⁷ Media outlet Radio Liberty. “Foreign agents”: did the National Committee of Security and the MP's opinions coincide? 2019. Available online: <https://rus.azattyk.org/a/29821293.html>

9. Since 2022, Kyrgyzstan banned peaceful assemblies based on a district court decision that has been extended until September 30, 2024⁸. Since this decision was backed by the ruling of the Supreme Court⁹, it is expected that the authorities will sustain this restriction beyond September 30, 2024.

10. In 2019, MPs publicly used hate speech against queer participants of the Women's March. MPs did not face any consequences for spreading hatred. In 2020 the Government tried to ban the Women's rally, officially justifying the decision by citing COVID-19 precautionary measures, despite the absence of registered cases, and permitting other protests. This demonstrates the selective and discriminatory approach of the government when restricting and allowing peaceful assemblies. During the court hearing, a police representative stated that the Women's Rally was due to its affiliation with the "LGBT agenda"¹⁰.

11. The LGBTIQ are instrumentalized for political purposes by public figures. On 15 April 2021, a rally "I don't want to be killed" was held in front of the Ministry of Internal Affairs demanding a fair investigation of the murder of domestic violence victim A.K (name abbreviated). At the same time, a counter-rally was held by anti-LGBT activists chanting anti-LGBT and anti-NGO slogans near Ala-Too Square in Bishkek city¹¹. Anti-LGBT protesters moved to the Ministry of Internal Affairs, they prevented the rally and openly threatened with reprisals in the presence of police officers. Representatives of this group stated that *"The participants of the action are NGOs and gays who take advantage of the girl's death and promote their interests"*¹². Following the rallies, a journalist's investigation showed that the anti-LGBT protesters were controlled by police officers in civilian clothes¹³. He identified eight law enforcement officers. Two of them commanded a crowd of provokers. One of these was identified as the Head of one of the Police Departments - T.K. (name abbreviated). It is important to note that this is not the first time when Police Officers participate in counter-rallies disguised in civilian attire. T.K. was also noticed to be among those who attacked the women's rally in 2020 organized by feminist groups. Moreover, in 2020 T.K. represented the police at a court hearing on banning the rally for women's rights, where he voiced his position: *"... Last year, people with placards "I am a trans and I am proud of it" joined the [women's] march. This is not our mentality"*¹⁴.

⁸ Deutsche Welle. Authorities shed the ban on rallies in the center of Bishkek. 2024. Available online: <https://www.dw.com/ru/vlasti-kyrgyzstana-ne-razresaut-mitingi-v-centre-biskeka/a-69576279>

⁹ Media outlet 24.kg. Supreme Court recognizes ban on rallies in Bishkek legal. 2024. Available online: https://24.kg/obschestvo/292083_verhovnyiy_sud_priznal_zakonnyim_zapret_namitingi_vbishkeke/

¹⁰ Media outlet kloop.kg. Kyrgyz authorities ban women's rights march 'because of coronavirus'. 2020. Available online: <https://kloop.kg/blog/2020/03/05/vlasti-zapretili-marsh-za-prava-zhenshin-iz-za-koronavirusa-2/>

¹¹ Committee on Economic, Social and Cultural Rights. E/C.12/KGZ/4. para 14-15. 2021. Available online: <https://documents.un.org/doc/undoc/gen/g21/236/00/pdf/g2123600.pdf>

¹² Media outlet kloop.kg. Bishkek: Provocateurs disrupted the "I don't want to be killed" rally. 2021. Available online: <https://kloop.kg/blog/2021/04/15/live-v-bishkeke-prohodyat-dva-mitinga-protiv-nasiliya-i-protiv-npo/>

¹³ Media outlet Temirov live channel. The provocateurs who dispersed the rally demanding the resignation of the head of the Kyrgyz Interior Ministry, were driven by police officers in civilian clothes. 2021. Available online: <https://www.instagram.com/tv/CNxPH72DORs/?igshid=1deza8i9bylxf>

¹⁴ Media outlet mediazone. The court recognized as lawful the decision of Bishkek authorities to ban the March 8 procession and all mass actions in the city center until early summer. 2020. Available online: <https://mediazona.ca/news/2020/03/05/no-demo>

IV. Anti-discrimination legislation

12. The Kyrgyz Republic received many recommendations in the previous UPR cycle to adopt anti-discrimination legislation that would include sexual orientation and gender identity as grounds for non-discrimination. However, the recommendations were not supported.

As stipulated by the National Plan to implement the recommendations of the Committee CERD¹⁵ Kyrgyz Republic committed to consider the need to adopt an anti-discrimination law that includes ethnicity and SOGI as protected grounds. Although the implementation of the plan ended in 2022 this particular section was not implemented.

A gay man was invited to a “fake date” where he was beaten and his phone was taken away. The law enforcement officers delayed and refused to register the victim’s complaint due to homophobia¹⁶.

13. In addition to refusing to investigate crimes based on SOGI, police officers themselves often commit violence against LGBTIQ persons. LGBTIQ organizations and initiatives have reported cases involving police participation in extortion, physical assaults, and “fake dates” set up to target LGBTIQ individuals.

Two men were alone in a park and were approached by police officers, saying that they had videotaped them. One ran away and the other stayed behind. They also videotaped the second one and made him identify himself by his full name. They extorted 20,000¹⁷ soms from him, threatening to leak the video¹⁸.

14. There is no definition of hate crime and hate speech in the Kyrgyz Republic’s legislation which leads to an increase in open hatred towards LGBTIQ people. This hatred is supported by the authorities and radical groups. For example, in 2023, an MP openly expressed hatred towards gay men during a public review of a country's application to the Global Fund to Fight Aids, Tuberculosis, and Malaria¹⁹ which led to the suspension of funding. All work to prevent the HIV epidemic was put at risk over so-called ‘national traditions’.

15. Other actors of violence are relatives and friends of LGBTIQ people. Often LGBTIQ people do not want to report violence committed by their relatives²⁰. But even in cases when they do, law enforcement officials refuse to investigate claiming that domestic violence protection covers situations, where “a man beats his wife” and lesbian and bisexual women do not fall under the protection of this law.

¹⁵ Interdepartmental plan Measures for 2019-2022 to implement the recommendations of the Committee on the Elimination of Racial Discrimination following the submission of the combined eighth, ninth and tenth periodic reports of the Kyrgyz Republic. Para 4. 2019. Available online:

<https://cbd.minjust.gov.kg/216688/edition/1006206/ru>

¹⁶ Kyrgyz Indigo’s internal monitoring (unpublished). 2022

¹⁷ Around 240 USD

¹⁸ Kyrgyz Indigo’s internal monitoring (unpublished). 2023

¹⁹ Kyrgyzstan’s MPs put vital HIV funding at risk over ‘national traditions’. 2023. Available online:

<https://www.opendemocracy.net/en/odr/kyrgyzstan-global-fund-hiv-aids-programme/>

²⁰ ECOM. Regional Report on Violations of the Right to Health of LGBT People in the Region of Eastern Europe and Central Asia. p.26-27.. 2023. Available online: <https://ecom.ngo/library/regional-report-on-violations-of-the-right-to-health>

I was outed. My father beat me. Grabbed me by the hair and threw me out of the house. I had nothing on me. No papers, no money²¹.

16. Another problem is illegal evictions faced by transgender women. Often they are involved in sex work and are subject to eviction by the police or the landlords themselves²².

17. The right to privacy of LGBTIQ people is also violated. In recent years, many media outlets and bloggers have published materials depicting the faces of LGBTIQ people and activists without their consent, and calling for violence against them, the police do not investigate such cases. Social media platforms often fail to remove such content, especially when these videos and publications are shared in Kyrgyz language.

A transgender woman and her roommate discovered a hidden camera in their rented apartment. The police were called, but the case was not investigated. The victim was afraid of an outing, but for financial reasons could not move out of apartment²³.

V. Legal Gender Recognition

18. In 2017, legislation in Kyrgyzstan regarding Legal Gender Recognition was one of the most progressive in the region²⁴. However, in 2020, during the lockdown, without the participation of transgender people in public hearings, the Kyrgyz Parliament amended the Law “On Civil Status Acts”, removing the provision allowing transgender people to change their gender marker. Since then, only one transgender person has managed to change his gender marker through the court process.

19. This change has not only affected those transgender people who have not yet changed their legal gender identity. It has been used against those who already changed it. Even though the law is not retroactive, many transgender people are unable to change their expired documents as they are forced to change their gender to the one assigned at birth.

A transgender man changed his gender marker in 2018. When his passport expired he applied for a new one at the population service center and was issued a passport with the wrong gender marker, referring to the new Law on Civil Status Acts and the database, which reflects his old gender marker²⁵.

20. The inability to change the gender marker in documents affects the lives of transgender people. They face restrictions on their human rights because their appearance does not match gender in their documents. They face bullying in educational institutions and at work. Our data shows that 39% of trans people faced difficulties in finding jobs due to differences in their

²¹ Internal monitoring of LGBT initiative of Kyrgyzstan. The name of initiative is not disclose due to safety reasons

²² Accordion to internal monitoring of ECOM and Kyrgyz Indigo for last 3 years

²³ Kyrgyz Indigo’s internal monitoring (unpublished). 2021

²⁴ The Guidelines on providing medical and social assistance to transgender, transsexual and gender-nonconforming people for medical professionals at all levels of health care and other agencies of the Kyrgyz Republic was adopted

²⁵ Kyrgyz Indigo’s internal monitoring (unpublished). 2022

passports and appearances. 72% had to work informally (sex work, etc.)²⁶. The issue of human identification at borders is particularly acute.

A transgender woman was detained on the Kyrgyz-Kazakh border. Border guards on both sides were openly transphobic and distrustful because the appearance of the trans woman did not match the documents²⁷.

21. In many places, including banks, and social systems, transgender people cannot receive services because the Personal Identification Numbers on passports refer to gender: identity numbers starting with 1 refer to the female gender and 2 refer to the male gender. Whenever a transgender person manages to have their gender marker changed on their ID documents, the above digits in the Personal Identification Numbers are not changed preventing different systems from processing the data.

A trans woman was refused to open a bank account. The system gave an error because her passport indicated female gender and her personal identification number had the number 2, which indicates male gender²⁸.

22. Right now, a lot of trans people are in a stage where they have some of their documents changed and some not. This is because there is now no clear procedure for legal gender recognition.

A transgender man managed to change the gender marker on his birth certificate but not on his passport. Right now he has two different genders in different documents²⁹.

23. Restriction of human rights of transgender people persisted into 2024. The space for transgender individuals further narrowed with the adoption of the Law of the Kyrgyz Republic “On the Protection of the Health of Citizens” which raised the minimum age for accessing gender-affirming healthcare from 18 to 25³⁰. It is expected that further protocols and regulations under this law to be framed by the Cabinet of Ministers are expected to further restrict access to gender-affirming care.

Under the legislation of the Kyrgyz Republic (Constitution, Criminal and Civic Codes), the age of majority is 18 meaning individuals are considered to have full legal capacity at this age. The provision that raises the age limit for transgender individuals seeking gender-affirming healthcare creates an exception that conflicts with this standard and discriminates against trans people based on their gender identity.

VI. Recommendations

24. Amend the law “On Measures to Prevent Harm to the Health of Children, their Recovery, Intellectual, Mental, Spiritual and Moral Development in the Kyrgyz Republic” by removing the provision which restricts the dissemination of SOGI information among minors

²⁶ Needs assessment of transgender people in Central Asia. 2015. The assessment is not available online

²⁷ Kyrgyz Indigo’s internal monitoring (unpublished). 2022

²⁸ Kyrgyz Indigo’s internal monitoring (unpublished). 2019

²⁹ LGBT initiative in Kyrgyzstan has registered the case in it’s internal monitoring (unpublished). 2021

³⁰ Article 47 “Change, correction of gender identity”

- 25. Refrain from replacing the current law on NGOs with the new, more restrictive legislation*
- 26. Repeal the discriminatory Law on Foreign Representatives that disproportionately impacts LGBTIQ-led civil society organizations and other human rights organisations*
- 27. Investigate harassment of human rights defenders by state actors, including cases involving harassment of LGBTIQ activists and rights defenders*
- 28. Remove the requirement to publish personal details of staff members of NGOs by revising the regulations for maintaining the NGO Registry of Foreign Representatives*
- 29. Introduce an effective mechanism to monitor and prosecute hate speech spread by government officials.*
- 30. Investigate incitements to violence and breaches of privacy by media, bloggers and public figures*
- 31. Adopt comprehensive anti-discrimination legislation, including SOGI as protected grounds*
- 32. Adopt a law against hate speech and hate crime*
- 33. Protect lesbian, bisexual and transgender women from gender-based violence*
- 34. Conduct thorough investigations of unlawful evictions of LGBTIQ people, including those committed by police officers*
- 35. Amend laws and policies to ensure legal gender recognition for transgender persons is under international human rights standards*
- 36. Restore access to gender-affirming healthcare for individuals starting at the age of 18.*
- 37. Allow transgender people to change their personal identification number according to their gender identity.*