**The information provided by PA *“Kyrgyz Indigo[[1]](#footnote-1)”* to inform the Independent Expert’s report to be presented to the 47th session of the Human Rights Council.**

1. ***Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concepts (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address violence and discrimination based on sexual orientation and gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.***
   * 1. ***if that is the case, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions and, if so, what are the main trends identified?***
     2. ***if that is not the case, please provide information as to the reasons.***

The law of the Kyrgyz Republic "On state guarantees of equal rights and opportunities for men and women"[[2]](#footnote-2) contains a definition of gender, gender policy, gender equality, and gender discrimination. The Law does not mention sexual orientation or gender identity. All definitions apply to men and women.

CEDAW, in its concluding observations[[3]](#footnote-3), expressed concern that the restructuring and relocating of the national machinery and its fragmentation have affected its ability to ensure the effective development and implementation of gender policies. The Committee is concerned:

*(a) That the Department of Gender Policy of the Ministry of Social Development lacks the authority and capacity necessary, including adequate human and financial resources and capacity, to ensure that gender equality policies are properly developed and fully implemented throughout the work of all ministries and government offices;*

*(b) That the National Council on Gender Development is an advisory body and lacks a clear mandate and authority;*

*(c) That there is no coordinated gender mainstreaming strategy or gender-responsive budgeting.*

1. ***Has the State ratified, signed, or adhered regional or international human rights treaties, declarations, programs or policies or any other international instruments aiming to address violence and discrimination based on sexual orientation and gender identity that involve the implementation of a gender framework (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming)?***
   * 1. ***if that is the case, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions and, if so, what are the main trends identified?***
     2. ***if that is not the case, please provide information as to the reasons.***

Kyrgyzstan ratified the Convention on the Elimination of Discrimination against Women in 1997. In the lists of issues and in the concluding observations, the committee mentioned the need for an anti-discrimination legislation[[4]](#footnote-4) and the protection of LBT communities[[5]](#footnote-5) from violence and discrimination. To implement these recommendations, the state did not interact with LGBT organizations. The recommendation on anti-discrimination law was not implemented.

Kyrgyzstan also is a part of the following treaties and inquiry procedure:

<https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN>

1. ***What kinds of information and data are collected by States to identify forms of violence and discrimination faced by people based on sexual orientation and gender identity? Is the data designed to capture causes and patterns of violence and discrimination against lesbians, gay men, bisexual women, bisexual men, trans women, trans men, and gender diverse persons?***
   * 1. ***does this data collection take an intersectional approach (for example, connecting an individual’s multiple social categories to enable more precise analysis (e.g. collecting data about LGBT persons by identities such as race, age, national status and ethnicity)?***
     2. ***does the data include information on the relationship between victims and perpetrators?***

There is only one statistic on the national statistics committee, collected in 2018, regarding discrimination. This statistic concerns women who have faced discrimination in the past 12 months[[6]](#footnote-6). The statistics contain data on other characteristics: age, the territory of residence, and education, but there is no data on SOGI. The state does not collect any data on discrimination against LGBT+ communities. Kyrgyzstan collects data on GBT only in the context of HIV. But LGBT+ organizations collect statistics, conduct research to collect strategic data.

A possible reason for lack of government data is the absence of comprehensive anti-discrimination legislation. In the Kyrgyz legislation, there are no concepts of discrimination, its types and mechanisms for protection. Because of this, it is difficult to collect statistics on cases of discrimination.

1. ***Is comprehensive sexuality education taught in schools?***
   * 1. ***if yes, please provide information as to the respective programs. Please provide examples (e.g. copies of curricula, citations to polices).***
     2. ***if not, are there efforts deployed by the State to establish and promote comprehensive sexual education, which incorporates diverse sexual orientation and gender identity perspectives? What have been the obstacles to adopt such policies or programs? Also, is the State adopting any alternative measures?***

There is no comprehensive sexuality education in Kyrgyzstan. Kyrgyzstan does not seek to adopt comprehensive sexuality education, and even more so to include LGBT+. In 2013, the NGO "Reproductive Health Alliance" republished brochures on sexuality education for out-of-school sexual education. After that, the parliamentary education committee held a closed meeting, at which the deputies criticized the distribution of the brochures, and one of the especially conservative parliamentarians, Tursunbai Bakir uulu, even suggested burning them[[7]](#footnote-7). There is a popular rhetoric in Kyrgyzstan that "*LGBT propaganda is harmful to the younger generation".* It is likely that if inclusive sexuality education which incorporates diverse sexual orientation and gender identity perspectives is promoted in the future, conservative politicians will use homophobic rhetoric.

1. ***Are there examples where the concept of gender has been used in religious narratives or narratives of tradition, traditional values or protection of the family to hinder the adoption of legislative or policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity?***

Yes. On May 23, 2019, MP Zulpukarov proposed not to use the word gender when it comes to equality between men and women. He stated this at a meeting of the Parliament during the consideration of amendments to the Law *"On elections of deputies to local governments"*, when the issue of quotas was being considered. Zulpukarov said: *“This means transsexuals, homosexuals, agenders, bigenders. Let's be far from this dirty imposition. It is better for us to use the terms “men” and “women[[8]](#footnote-8)”.* It should be added that the amendment was adopted without using the word gender in article 59: *“For holding elections of local governments deputies, at least 30 percent of the mandates of local governments deputies for women are reserved for each local government”[[9]](#footnote-9).* Such events have a negative impact not only on legislative practice, but also on attitudes towards gender. Recently, in Kyrgyzstan, many mainstream organizations prefer to talk about women and not use the word "gender" in order not to associate with the LGBT+ community. The worst thing is that even international organizations are beginning to reject the word "gender".

1. ***Are there examples where a concept of gender has been used in religious, traditional, or indigenous narratives or values in a manner which promotes the acceptance of persons with diverse sexual orientations or gender identity, or protects LGBT individuals from violence and discrimination as well as covering a wider range of persons (for relevant examples, see para. 3 of***[***the Independent Expert’s Report to the 73rd Session of the United Nations General Assembly***](https://undocs.org/A/73/152)***)?***

No.

1. ***Are there examples in which narratives or “gender ideology,” “genderism” or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?***

Such rhetoric increases during the period of political activity in Kyrgyzstan. In 2019, a March for Women's Rights was held, organized by the 8.365 movement. LGBT flags were on the march, as in previous years, but it was in 2019 that rainbow flags caught the attention of the media and politicians. MP Musabekova openly expressed her hatred of the LGBT community[[10]](#footnote-10). The mayor's office tried to ban the march, citing the presence of LGBT organizations among the 8.365 movement. After that, the Parliament promoted the amendments to the law on NGO, which narrow civic space.

In 2020, an attack by nationalist groups was carried out, and then the police detained the participants in the march, but not the attackers. Statesmen supported the police and tried to blame the victims[[11]](#footnote-11). After the Feminale exhibition, nationalist groups held an action "*The nation is above rights"*, which was supported by the Minister of Culture[[12]](#footnote-12). It is worth noting that radical nationalist groups supported by the state are mobilized in Kyrgyzstan.

The worst thing is that recently in Kyrgyzstan state representatives are trying to change the legislation that restricts people's rights. The new draft of the Constitution[[13]](#footnote-13), proposed in 2021, includes ***Article 10, Part 4:***

*“In order to protect the younger generation, events that contradict moral and ethical values, the public consciousness of the people of the Kyrgyz Republic may be limited by law”.*

This article can be used against the LGBT community.

Until 01 August 2020, trans people in Kyrgyzstan had access to legal gender recognition (hereinafter - LGR) according to the Law of the Kyrgyz Republic "On acts of civil status"[[14]](#footnote-14)

On 17 June 2020, the Parliament of the Kyrgyz Republic adopted amendments to the Law of the Kyrgyz Republic "On acts of civil status"[[15]](#footnote-15). The new version of the law came into effect on August 1, 2020, and starting from this date, trans people in Kyrgyzstan have no access to legal gender recognition. In the new version of the law “On acts of civil status”, the part that guaranteed trans \* people a change of documents was excluded. The rulemaking oblige parliamentarians in a resolution to indicate the reason for each change in the law. However, the parliamentarians did not even indicate the reason for excluding this part from the law in the resolution.

1. ***Are there initiatives taken by States in connection with the right to freedom of religion, belief or conscience (including the figure of conscientious objection) that have had the practical impact of limiting the enjoyment of human rights (including sexual and reproductive rights) of LGBT persons?***

Certain Kyrgyz officials often use the rhetoric that the LGBT community contradicts the religious and traditional values of the population. Using homophobia and trans\* phobia in society, the state promotes various initiatives that narrow civil space. In 2016, a referendum **passed constitutional amendments** that undermine the status of international human rights law, strengthen the powers of the executive[[16]](#footnote-16). In particular, the following provision was removed from Article 6: “the provisions of international treaties on human rights shall have direct effect and shall enjoy precedence over provisions of other international treaties.” Article 36, amended, stating that marriage can be created between a man and a woman, while the previous version stated of two people who have reached marriageable age[[17]](#footnote-17).

In addition to the fact that the amendment is discriminatory, the media actively promotes the position that the change of the constitution is aimed at preserving the “traditional” family and protecting against same-sex marriages. Information about the amendments was published under the headings: “The current Constitution allows registering same-sex marriages in the KR[[18]](#footnote-18)”, “ the new version of the Constitution of the KR wants to ban same-sex marriage[[19]](#footnote-19).” The public media KTRK in its material dated November 23, 2016 showed only those people who supported the amendments, the material did not mention the amendments about weakening the importance of international mechanisms. The person who was interviewed said that he opposed LGBT people. Editors did not give disclaimers about the spread of hatred[[20]](#footnote-20). Many of the proposed amendments, including the weakening of international law, remained invisible.

1. ***Have there been public expressions or statements by political and/or religious leaders that have led to indefinite extension, modification or suppression of actions, activities, projects, public policies or application of gender frameworks?***

In 2014, after a call by human rights defenders to the Kyrgyz police to stop making gays and bisexuals the target of violence and extortion, the country's highest Islamic body immediately reminded that homosexuality is strictly prohibited by Islam. A religious instruction posted on the website of the Spiritual Directorate of Muslims of Kyrgyzstan quotes a hadith belonging to the prophet Muhammad: “If you see those who do the deeds of the people of Lut (people of Lut (also Lot), are often associated with LGBT ed.), Kill that, who does, and the one with whom they do![[21]](#footnote-21)". After public outcry and complaints from LGBT organizations, the fatwa disappeared from the site. The head of the spiritual department denied that the fatwa was ever published. No investigation has been carried out into the incitement to violence by the authorities. In the same year, the law on gay propaganda and foreign agents was actively promoted. In promoting both laws, homophobia and anti-gender rhetoric were heavily used. Both laws were not passed.

However, the law on gay propaganda passed two readings, is still in Parliament and can be passed at any time. In January 2020, amendments to the law on NGOs were promoted in Parliament. Many human rights defenders believe that the amendments are discriminatory.

1. ***Who are main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called “gender ideology”? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals? Have their strategies directly or indirectly also impacted on the human rights of women and girls?***

The main actors are Nationalist groups with the support of the state and individual deputies and officials. Usually, their strategies are aimed at narrowing civic space: limiting peaceful assemblies, pressure on freedom of association, pressure on civic activists and organizations. **The following initiatives have advanced in recent years:**

*1. Law on gay propaganda;*

*2. Law on the protection of children from harmful information;*

*3. Law on Foreign Agents;*

*4. Law on Manipulation of Information;*

*5. Additions to the law on NGOs.*

All these initiatives are aimed at judging civil space and violate international treaties, of which Kyrgyzstan is a part. None of the laws have been passed, but if the draft of the new Constitution is adopted in the April 2021 elections, it is likely that all of these laws will be passed. Since the draft of the Constitution includes the concepts of “traditional values”, “protection of the addicted generation from information contrary to tradition”, “transparency from trade unions and NGOs” and excludes the rule on the protection of peaceful assemblies from restrictions.

1. ***Can you provide examples of coalitions working together on resisting attacks on gender ideology? Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?***

The 8\365 movement has been holding a march for women's rights since 2019, despite attempts to bans the authorities, illegal arrests by law enforcement agencies, threats of attack, a terrorist attack[[22]](#footnote-22) from nationalist groups.

1. ***What policies, programs and/or practices has the State adopted to meet Sustainable Development Goals 5 (gender equality) and 10 (reduced inequalities)? Do these rely on gender frameworks inclusive to diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity? Please identify relevant examples.***

As part of achieving sustainable development goals 5 and 10, Kyrgyzstan has adopted a number of legislative initiatives. For example, the law "On protection from domestic violence". However, no legislative initiative has included protection against discrimination and violence based on sexual orientation and gender identity. Moreover, despite the emergence of LGBT stakeholders group, Kyrgyzstan has hardly included any information on LGBT people in the 2020 voluntary national review. It contains only one phrase that sexual orientation can be a reason for discrimination[[23]](#footnote-23).

1. **is a Kyrgyz LGBT+ organization, and one of the largest in Central Asia.** We are 40 LGBT+ activists and allies, implementing rights defending, advocacy activities and providing services for the community. We fight for equality and improvement in the quality of life of LGBT+ people. **We are forming** democratic society, promoting LGBT+ rights at country and regional levels, protecting the interests and security of LGBT+. We build partnerships with governments and international organizations for non-discrimination and equality. **We are increasing the potential of all LGBT+** communities, including people living in the regions, people living with HIV, ones who identify themselves as Muslims, as well as LGBT+ parents and siblings. We actively share our experience and lessons learned. <https://indigo.kg/en> [↑](#footnote-ref-1)
2. <http://cbd.minjust.gov.kg/act/view/ru-ru/202398> [↑](#footnote-ref-2)
3. CEDAW/C/KGZ/CO/4/11 [↑](#footnote-ref-3)
4. CEDAW/C/KGZ/CO/4/10b [↑](#footnote-ref-4)
5. CEDAW/C/KGZ/CO/4/33 [↑](#footnote-ref-5)
6. <https://sustainabledevelopment-kyrgyzstan.github.io/16/> 16 b [↑](#footnote-ref-6)
7. <https://kloop.kg/blog/2013/10/21/broshyury-o-seksual-nom-vospitanii-stanut-prichinoj-protesta-v-oshe/> [↑](#footnote-ref-7)
8. <https://kaktus.media/doc/391935_torobay_zylpykarov_predlojil_ne_ispolzovat_slovo_gender_v_kyrgyzstane._video.html> [↑](#footnote-ref-8)
9. <http://cbd.minjust.gov.kg/act/view/ru-ru/111964?cl=ru-ru> [↑](#footnote-ref-9)
10. <https://kloop.kg/blog/2019/03/13/tsitata-dnya-deputatka-musabekova-ob-uchastii-lgbt-predstavitelej-v-mirnom-zhenskom-marshe-v-chest-8-marta/> [↑](#footnote-ref-10)
11. <https://www.aljazeera.com/news/2020/3/8/kyrgyzstan-womens-rights-protesters-assaulted-by-men> [↑](#footnote-ref-11)
12. <https://kloop.kg/blog/2019/12/09/natsiya-vyshe-prav-ministr-kultury-prishel-na-aktsiyu-natspatriotov-chtoby-podderzhat-ih/> [↑](#footnote-ref-12)
13. <https://www.article19.org/resources/kyrgyzstan-draft-constitution-threatens-freedom-of-expression-and-freedom-of-the-media/> [↑](#footnote-ref-13)
14. Law No. 60 of the Kyrgyz Republic "On acts of civil status" adopted on April 12, 2005 (no effect from August 1, 2020). Available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/1655> [↑](#footnote-ref-14)
15. Law of the Kyrgyz Republic "On acts of civil status," dated August 01, 2020, No. 110, article 35 <http://cbd.minjust.gov.kg/act/view/ru-ru/112094> [↑](#footnote-ref-15)
16. Equal Right Trust, in partnership with PF “Peremena,” looking for harmony. Addressing discrimination and inequality in Kyrgyzstan, p. 1. <https://www.equalrightstrust.org/sites/default/files/ertdocs/Kyrgyzstan_EN_0.pdf> [↑](#footnote-ref-16)
17. Article: Comparison: Proposed Changes and the Current Version of the Constitution, k.news.kg. <https://knews.kg/2016/12/08/dorabotannyj-proekt-popravok-v-konstitutsiyu-podderzhannyj-prezidentom-atambaevym/> [↑](#footnote-ref-17)
18. Article: The current Constitution allows the registration of same-sex marriages in the Kyrgyz Republic, vb.kg. <https://www.vb.kg/doc/344808_deystvyushaia_konstityciia_pozvoliaet_registrirovat_v_kr_odnopolye_braki.html> [↑](#footnote-ref-18)
19. Article: The new version of the Constitution of the Kyrgyz Republic wants to ban same-sex marriage, news - asia.ru. <http://www.news-asia.ru/view/ks/society/9761> [↑](#footnote-ref-19)
20. Article: Youth supports amendments to the Constitution, ktrk.kg. <http://www.ktrk.kg/post/8508/ru> [↑](#footnote-ref-20)
21. <https://rus.azattyq.org/a/fetva-protiv-geev-kyrgyzstan/25261350.html> [↑](#footnote-ref-21)
22. <https://www.currenttime.tv/a/bishkek-anti-lgbt-protests/29819834.html> [↑](#footnote-ref-22)
23. <https://sustainabledevelopment.un.org/content/documents/26459VNR_2020_Kyrgyzstan_Report_English.pdf> p 31 [↑](#footnote-ref-23)