

# Desk research: Health and rights of LGBT in Kyrgyzstan

## Review

COC – Labrys – Kyrgyz Indigo

Bishkek - 2012

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## ABBREVIATIONS

AIDS – Acquired immunodeficiency syndrome  
ART – Antiretroviral therapy  
CIS – Commonwealth of Independent States  
DC – Disco-club  
GB – Gays and bisexuals  
GDP – Gross domestic product  
GFATM – Global Fund to Fight AIDS, Tuberculosis and Malaria  
HIV – Human immunodeficiency virus  
IG – Initiative group  
LBT – Lesbians, bisexual women and transgender people  
LGBT – Lesbian, Gay, Bisexual and Transgender  
Media – Mass media  
MIA – Ministry of Internal Affairs  
MSM – Men who have sex with men  
NCC – National Coordination Committee  
NGO – Non-governmental organizations  
OSCE – Organization for Security and Co-operation in Europe  
PA – Public association  
PF – Public Fund  
PLH – People living with HIV  
RDIA – Regional Department of Internal Affairs  
SES – Sentinel epidemiological surveillance  
SOGI – Sexual orientation and gender identity  
STIs – Sexually transmitted infections  
TB – Tuberculosis  
UN – United Nations  
UNDP – United Nations Development Programme  
UPR – Universal periodic review  
USA – United States of America  
USSR – the Union of Soviet Socialist Republics  
VCT – Voluntary Counseling and Testing  
WHO – World Health Organization  
WSW – Women who have sex with women

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AFEW – AIDS Foundation East-West  
amfAR – American Foundation for AIDS Research  
CARHAP – Central Asia Regional HIV/AIDS Program  
CEDAW - Convention on the Elimination of all Forms of Discrimination against Women  
COC - Cultuur en Ontspannings-Centrum (or Centre for Culture and Leisure)  
ENMP – European Network of Male Prostitution  
LGBTI - Lesbian, Gay, Bisexual, Transgender, and Intersex  
OSI – Open Society Institute  
PSI – Population Services International  
SHARP – Sexual Health and Rights Project  
USAID - United States Agency for International Development

This overview is drawn up on the basis of publicly published sources, the data of PA «Labrys» and PA «Kyrgyz Indigo», as well as on the basis of a limited amount of field activity, undertaken for specific chapters of this report.

The document has been developed within the international program «Filling in the gaps», implemented by a consortium of seven Dutch organizations: Aids Fonds, AFEW, COC, GNP+, HCI, Mainline, Schorer. The program aims at filling in the gaps in the field of HIV, health and human rights among key populations: LGBT, sex workers and drug users. The program covers 16 countries in 4 regions: Eastern Europe and Central Asia, Sub-Saharan Africa, South and South-East Asia and Latin America. This program provides for a global advocacy component in partnership with five international networks of people from key populations - GNP + - Global Network of PLH, NSWP - Network of sex work projects, MSM GF - The Global Forum on MSM, INPUD - International network of people who use drugs, ITPC - International treatment preparedness coalition. The target project, addressed to the LGBT community is implemented by COC.

The program started in September 2011 and will run until December, 2015. Aids Fonds is the leading partner in the consortium.

The structure of the review reflects the main areas of intervention, according to the program «Filling in the gaps» in the direction of LGBT people. The document is not intended to be a complete and comprehensive analysis of the situation, but has detailed reference information.

This review provides for a detailed description of the context - political, legal and social-economic, allowing clearly presenting the conditions, in which programs targeting the LGBT community in Kyrgyzstan, are being developed.

The chapters, dedicated to LGBT rights issues, contain an overview of the main international obligations of the country regarding the observance of LGBT rights, a brief analysis of the legislation of the Kyrgyz Republic, the description of the situation with the rights violation based on the analysis of documented cases, as well as the description of access of LGBT to legal aid.

The chapters on health and HIV include a review of HIV and STIs prevalence, overview of knowledge and behavior of LGBT people in the field of HIV prevention, description of the existing prevention, care and support programs, as well as issues of LGBT's access to health care services.

The document is drawn up by the working group - the employees and consultants of PA «Labrys» and PA «Kyrgyz Indigo».

The team of authors renders thanks to partner non-governmental organizations for assistance and delivery of additional information on programs targeting the LGBT community in Kyrgyzstan.

## 1. POLITICAL SITUATION ON LGBT AND FACTORS, WHICH PLAY A ROLE IN CHANGING THE SITUATION/STABILITY OF THE CURRENT SITUATION

According to the Constitution, brought into force by a referendum on June 27, 2010, the Kyrgyz Republic (Kyrgyzstan) is a sovereign, democratic, secular, unitary and social state. The Head of State is the President, who is elected for a term of six years by the citizens of the country. Legislative function is performed by Jogorku Kenesh (Parliament of the Kyrgyz Republic), which is the highest representative body exercising legislative power and oversight functions within the limits of its competence. Jogorku Kenesh consists of 120 deputies elected for a five-year term on the basis of proportional representation. Executive power in the Kyrgyz Republic is exercised by the Government, ministries subordinate to it, state committees, administrative departments and local state administrations<sup>1</sup>.

Democratic processes in the country are reflected in the institutions of popular representation (Jogorku Kenesh, local Keneshes), in elections for public office, in the relative freedom of the media, as well as in the ability of all citizens to establish communities and organizations, including political parties. Unfortunately, these processes are subject to certain restrictions. For example, during the presidential elections of the Republic in 2011, the network project «Monitoring of elections in Kyrgyzstan» recorded more than 2,500 various violations<sup>2</sup>. Also, despite the relatively high level of media freedom in Kyrgyzstan, «public and private media are under pressure of the government, leading to self-censorship practiced by many journalists<sup>3</sup>. Also there are attempts to censor the network: blocking blogs on the Live Journals platform, the incident with the website «Fergananeews.com» in early 2012<sup>4</sup>. Organizations have been denied registration. The request to officially register a LGBT organization under the name Alliance of Social Service of Gays and Lesbians was denied by the Justice Ministry on the grounds that the words «gays» and «lesbians» contribute to «degradation of moral norms and national traditions of the people of Kyrgyzstan»<sup>5</sup>. As a result, the organization was forced to remove the words «gays» and «lesbians» from its name and register as the Public Association Pathfinder.

Kyrgyzstan's political system is unstable. There are various factors which contribute to this: the existence of a regional subdivision between north and south, ethnic tension, the deep-rooted clan structure, and the high level of corruption in the country. Kyrgyzstan is ranked 164th according to the Corruption Perceptions Index 2011<sup>6</sup>. The neighbors of Kyrgyzstan in this respect are Guinea, Cambodia and Yemen. Kyrgyzstan has taken an intermediate position among the countries of Central Asia: the perceived level of corruption in Tajikistan and Kazakhstan is ranked 152nd and 120th respectively, while Uzbekistan and Turkmenistan share the 177th place. Kyrgyzstan is the only country of the former Soviet Union in

<sup>1</sup>Constitution of the Kyrgyz Republic. Source: [http://www.kenesh.kg/RU/Articles/42-Konstituciya\\_Kyrgyzskoj\\_Respubliki.aspx](http://www.kenesh.kg/RU/Articles/42-Konstituciya_Kyrgyzskoj_Respubliki.aspx)

<sup>2</sup>Monitoring of elections in Kyrgyzstan, 2011. Source: <http://map.inkg.info/>

<sup>3</sup>Van der Veer D. Kyrgyzstan: «country of human rights»... but not for homosexuals! COC Netherlands, HIVOS. P. 11. Source: [http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen\\_id=140](http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=140)

<sup>4</sup>Aktalov A. Deputies decided to close the news agency «Ferghana.ru». The reason for this decision was the alleged «one-sided coverage» of the June 2010 conflict in southern Kyrgyzstan, as well as the publication of «provocative» materials with which deputies were displeased. Commenting on the situation, the chief editor of the Internet-portal «Fergana.ru» Daniil Kislov shared his opinion that the deputies made such a decision because of their «personal dislike for the publication». The journalist called on the government and responsible for blocking the web-site not to implement the decision of Jogorku Kenesh. Source: [http://www.knews.kg/ru/parlament\\_chro/250/%20](http://www.knews.kg/ru/parlament_chro/250/%20)

<sup>5</sup>Our organization was denied registration. Public Association «Pathfinder». Source: <http://pathfinder.kloop.kg/2011/01/20/76/>

<sup>6</sup>Corruption Perceptions Index 2011. Source: <http://cpi.transparency.org/cpi2011/results/>

which violent change of government has occurred twice: the so-called first (2005) and second (2010) «tulip revolutions»<sup>7</sup>. Conflicts resulting from reorganization of power lead to surges in violence and xenophobia in the country. The atmosphere of permissiveness due to political instability and high level of corruption in the government negatively impacts the citizens of the country, particularly those who are the subject of social stigma and discrimination.

Currently, LGBT issues are not presented in the programs of political parties. In the political arena there are no people that openly represent and protect the interests of LGBT. Many government members share the point of view that the LGBT community is «unnatural» and that the idea of human rights for sexual minorities is alien and incompatible with Kyrgyz culture<sup>8</sup>. Despite the fact that Kyrgyzstan is one of the few countries of the post-Soviet space that has adopted the recommendations of the Universal Periodic Review on sexual orientation and gender identity<sup>9</sup>, there is no coordination between the ministries to take any action to implement these recommendations, as well as recommendations from the UN and other international organizations<sup>10</sup>.

Kyrgyzstan is considered to be a leader in the development of civil society and progressive legislation in Central Asia. In Kyrgyzstan, there is legislation<sup>11</sup> on gender equality and domestic violence, providing for the legal basis to improve the situation of women. But, unfortunately, in practice, the legislation is almost never used when dealing with specific cases of discrimination against women<sup>12</sup>. However, it should be noted that the problems of LGBT people in Kyrgyzstan are constructively dealt with by the Ministry of Health. In 2009, the Ministry (together with PA «Labrys» and Soros Foundation-Kyrgyzstan) established a working group to develop a document on gender reassignment for transgender people<sup>13</sup> (more details in the Chapter 14. «Legal support for gender reassignment for transgender people»).

A constantly important factor, appointing to the lack of attention to LGBT issues at the highest level, is the closeness of the LGBT community in Kyrgyzstan, its invisibility. The reasons are the high level of stigma and discrimination against the community members in the family and society in whole. Because of the patriarchal traditions of the country and the high levels of corruption, LGBT citizens cannot allow themselves to speak openly about their problems and count on full support of their rights by the state.

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<sup>7</sup>Matveeva A. Stability in Kyrgyzstan: balancing on the edge. EUCAM, Briefing No. 19. 2011. P.1. Source: [http://www.eucentralasia.eu/fileadmin/user\\_upload/PDF\\_RU/Policy\\_Briefs\\_RU/PB19-RU.pdf](http://www.eucentralasia.eu/fileadmin/user_upload/PDF_RU/Policy_Briefs_RU/PB19-RU.pdf)

<sup>8</sup>Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. C. 12. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731)

<sup>9</sup>Responses to Recommendations, KYRGYZSTAN: Review in the Working Group: 03 May 2010; Adoption in the Plenary: 21 September 2010. - p.5 (recommendations 76.60, Uruguay), p.9 (recommendations 77.13, Czech Republic). Source: [http://www.upr-info.org/IMG/pdf/Recommendations\\_to\\_Kyrgyzstan\\_2010.pdf](http://www.upr-info.org/IMG/pdf/Recommendations_to_Kyrgyzstan_2010.pdf). The text of recommendations is given in the section 4, page 13.

<sup>10</sup>Building a productive interaction with state bodies in order to implement the recommendations of the UPR and other organizations/committees on human rights was one of the objectives of the project «Through awareness to inclusion in Central Asia», funded by CRD (April 1, 2011 - April 30, 2012). The final report is being developed.

<sup>11</sup>2003 - Law «On fundamentals of state guarantees of gender equality in Kyrgyz Republic» and Law «On social and legal protection of victims of domestic violence».

<sup>12</sup>Report on Kyrgyzstan. 8th Round of the Universal Periodic Review – May 2010. C.1. Source: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1\\_UPR\\_KGZ\\_S08\\_2010\\_JointSubmission1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1_UPR_KGZ_S08_2010_JointSubmission1.pdf)

<sup>13</sup>The Ministry of Health of the Kyrgyz Republic brings up the draft decree of the Government of Kyrgyz Republic «On sex change for people with gender identity disorders» to public discussion. Source: <http://www.gov.kg/?p=7149>

## 2. ECONOMIC SITUATION ON LGBT AND FACTORS, WHICH PLAY A ROLE IN CHANGING THE SITUATION/STABILITY OF THE CURRENT SITUATION

In the early 1990s, the Kyrgyz Republic introduced radical economic reforms and is currently committed to a market-based economy. After the collapse of the Soviet Union, Kyrgyzstan experienced a profound recession. Gross Domestic Product (GDP) fell sharply, 49.3% between 1990 and 1995. 1996 marked the beginning of economic recovery; GDP grew again almost continually until 2011<sup>14</sup>. Because of the structure of its domestically-oriented sectors (agriculture, construction and services), the Kyrgyz economy was not immediately affected by the start of the global financial crisis in 2008<sup>15</sup>.

In Kyrgyzstan's transition to a market-based economy, agriculture, processing of agricultural products, textile manufacturing, and tourism were singled out as the sectors with the most commercial potential<sup>16</sup>.

The human potential of the country is increasing, with a steadily growing number of working-age citizens. But currently Kyrgyzstan is unable to exploit this potential, since the rate of job creation is low. As a result, there are negative trends on the labor market. The unemployment rate remains relatively high; it increased from 7.5% in 2000 to 12% in 2011<sup>17</sup>. The average age of the unemployed is 31 years old. As a result, agricultural productivity is relatively low, as evidenced by the ratio of the share of agriculture in GDP and the share of the population employed in it, and the remaining surplus of labor in the sector contributes to the widening of gap between rural and urban areas in terms of average incomes and living standards. The poverty level is also unevenly distributed by regions; in rural areas it is 1.5 times<sup>18</sup> higher.

There is a labor outflow from the regions, including in Bishkek. In addition, the number of people employed in the capital has increased from 2000 to 2008 almost by 110,000 people. Labor has been migrating to look for work abroad. According to the Minister of Labor, Employment and Migration, in 2011 the number of labor migrants was 600,000<sup>19</sup>, 200,000 more than in 2008-2009<sup>20</sup>.

Low living standard in rural areas and high unemployment level increase the dependence of young people on their families, thereby maintaining patriarchal control of young LGBT family members, thus reducing their chances of successful emancipation and self-determination. Finding themselves outside the family as a result of disclosure of their sexual orientation or gender identity to their relatives, young LGBT are forced to leave school, thereby closing off opportunities for high-skilled careers. Based on anecdotal information, we believe that many young boys and girls, who identify as LGBT, do not finish school because of

<sup>14</sup>International Monetary Fund, <http://www.imf.org/external/index.htm>

<sup>15</sup>Kyrgyzstan: needs assessment for providing assistance in trade. UNDP. Bishkek, 2010. P. 9-10. Source: [http://www.undp.kg/index2.php?option=com\\_resource&task=download&no\\_html=1&file=10960](http://www.undp.kg/index2.php?option=com_resource&task=download&no_html=1&file=10960)

<sup>16</sup>Kyrgyzstan: needs assessment for providing assistance in trade. UNDP. Bishkek, 2010. P. 62. Source: [http://www.undp.kg/index2.php?option=com\\_resource&task=download&no\\_html=1&file=10960](http://www.undp.kg/index2.php?option=com_resource&task=download&no_html=1&file=10960)

<sup>17</sup>From the interview of the minister of labor, employment and migration of the Kyrgyz Republic - Aigul Ryskulova // News Agency «REGNUM». About 400 thousand Kyrgyz people left for working in Russia. Source: <http://www.regnum.ru/news/economy/1336962.html>

<sup>18</sup>Kyrgyzstan: needs assessment for providing assistance in trade. UNDP. Bishkek, 2010. P. 21. Source: [http://www.undp.kg/index2.php?option=com\\_resource&task=download&no\\_html=1&file=10960](http://www.undp.kg/index2.php?option=com_resource&task=download&no_html=1&file=10960)

<sup>19</sup>From the interview of the minister of labor, employment and migration of the Kyrgyz Republic - Aigul Ryskulova // News Agency «REGNUM». About 400 thousand Kyrgyz people left for working in Russia. Source: <http://www.regnum.ru/news/economy/1336962.html>

<sup>20</sup>Kyrgyzstan: needs assessment for providing assistance in trade. UNDP. Bishkek, 2010. P. 19. Source: [http://www.undp.kg/index2.php?option=com\\_resource&task=download&no\\_html=1&file=10960](http://www.undp.kg/index2.php?option=com_resource&task=download&no_html=1&file=10960)

the stigma and discrimination within educational institutions in remote areas of the country. Similar processes take place in the higher educational institutions of the country. Therefore, there are various reasons why young LGBT people have limited access to education: 1) stigma and discrimination within educational institutions of all levels; 2) inability to pay for education due to lack of parental support; 3) lack of possibility to receive education because of the need to make their bread «here and now».

Focus group participants among transgender people noted that some members of the transgender community are forced to engage in sex work, having no opportunity to find other forms of employment. Perhaps this is due to the existence of stigmatization as well as strong competition from cisgender<sup>21</sup> labor market participants<sup>22</sup>.

It should be noted that incomes of women in Kyrgyzstan are lower than those of men. It is more difficult for women to find well-paying jobs, and unmarried women have more difficulty achieving an acceptable standard of living. As a result of this tendency, lesbian workers from non-capital cities and villages often live below the poverty level. A third of 85 respondent WSW<sup>23</sup> and transgender men in 2006-2007 reported that they have a monthly income of 4000 soms (about US\$100) or less<sup>24</sup>.

However, there are many examples of successful socialization of LGBT. Some members of the community, having received higher education or even having not, successfully carry out their professional activity within international, commercial and non-governmental organizations in Kyrgyzstan. It should be mentioned that most of them do not come out publically<sup>25</sup>, since an open homosexual orientation or gender identity may serve as an obstacle to developing a career in a traditional society where LGBT members face stigma and discrimination at all levels. But there are also a few examples of people who do not hide their sexuality/or gender identity from the society.

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<sup>21</sup>Cisgender is a person whose gender identity matches their assigned sex at birth.

<sup>22</sup>Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. P. 13. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731)

<sup>23</sup>WSW – women who have sex with women.

<sup>24</sup>Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. P. 20. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731)

<sup>25</sup>Coming out is disclosure of one's homosexuality, bisexuality, gender identity.

### 3. SOCIAL SITUATION ON LGBT AND FACTORS, WHICH PLAY A ROLE IN CHANGING THE SITUATION/STABILITY OF THE CURRENT SITUATION

As mentioned above, the Kyrgyz Republic defines itself as a democratic country and is legally committed to implementing human rights protection. Despite this, it remains a traditional post-Soviet society, full of the gender and social stereotypes typical of the Central Asian region as a whole. Sexual orientation and gender identity, differing from the standard norms, are not accepted at any level of society, beginning with the family and ending with the state, all of which are conservative<sup>26</sup>.

There are strict views on behavior for men and women in the community and in the family in Kyrgyzstan. These notions can vary depending on ethnicity, region or religion, but adherence to tradition remains common. It is not an overstatement to say that although homosexuality in Kyrgyzstan is not criminally punishable, LGBT members are most severely oppressed and discriminated people in Kyrgyzstan. Oppression and discrimination have different forms, the most common of which are domestic violence, assaults by police officers, unlawful detentions, and restrictions of rights to education, labor and health care. Violence against LGBT and homophobic manifestations are phenomena approved by society. It is life threatening in Kyrgyzstan to disclose homosexual orientation: evidence and newspaper reports suggest that if the family, the employer or the neighbors find out that someone is a lesbian, gay, bisexual or transgender, it can lead to social isolation, loss of work and even violence<sup>27</sup>.

The above phenomena are corroborated and aggravated by a lack of objective information about the nature of homosexuality and gender identity in the information space of Kyrgyzstan. This happens for several reasons:

- **homophobic manifestations in most media in Kyrgyzstan**

The media plays an important role in the persistence of discrimination against LGBT. Messages of TV and press of Kyrgyzstan on LGBT issues are provocative and incite intolerance in society<sup>28</sup>. Local media portray homosexuality not as a variant of the norm (on May 17, 1990 homosexuality was removed from the International Classification of Diseases), but as «other delights»<sup>29</sup> from the West, associated with externally imposed democratic reforms. «I guess it is time for the state to intervene and put an end to this constant propaganda of utterly perverse “values” writes Olga Novgorodtseva, deputy chief editor of Republican newspaper “Delo No...” in a column<sup>30</sup>

- **almost no coverage of sexual orientation issues in the programs of schools and higher education institutions, «taboo» of sexuality as such in traditional families in Kyrgyzstan**

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<sup>26</sup>Discrimination and violence against lesbian and bisexual women and transgender people in Kyrgyz Republic. Shadow report. Submitted for the 42nd CEDAW Session Geneva, Switzerland, 2008. Source: [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Labrys\\_kyrgyzstan.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Labrys_kyrgyzstan.pdf)

<sup>27</sup>Van der Veer D. Kyrgyzstan: «country of human rights»... but not for homosexuals! COC Netherlands, HIVOS, 2004. P. 32. Source: [http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen\\_id=140](http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=140)

<sup>28</sup>Discrimination and violence against lesbian and bisexual women and transgender people in Kyrgyz Republic. Shadow report. Submitted for the 42nd CEDAW Session Geneva, Switzerland, 2008. Source: [http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Labrys\\_kyrgyzstan.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/Labrys_kyrgyzstan.pdf)

<sup>29</sup>Novgorodtseva O. Gay pride walks on the planet // Delo No. . . 2012. No. 10 (892). P. 12-13.

<sup>30</sup>Novgorodtseva O. Gay pride walks on the planet // Delo No. . . 2012. No.10 (892). P. 12-13.

The formation of Kyrgyz culture, including sex education, was strongly influenced by the nomadic lifestyle, the communist ideology of Soviet times, and religion. As a result, matters of sex and sexual relationships are dealt with only privately, and not considered a topic for public and intergenerational discussion<sup>31</sup>.

■ **closed nature and «invisibility» of LGBT members as a result of stigma and discrimination on the part of society**

LGBT issues are raised mainly only by civil society within human rights framework. Due to the absence of public activism on the part of LGBT citizens, government authorities believe that LGBT in Kyrgyzstan do not exist or that the community has no problems with the implementation of their rights.

Over the past eight years, discussion of LGBT issues in society has become more visible<sup>32</sup>, Educational efforts have been undertaken to raise awareness among medical professionals in the capital and regions of the country. Human rights NGOs are becoming more effective, as are LGBT organizations as well. LGBT issues are raised and discussed in the Internet's information space<sup>33</sup>, brochures and studies written for LGBT and about LGBT (eight items)<sup>34</sup> are being published.

The atmosphere of intolerance and homophobia in society not only prevents LGBT of Kyrgyzstan from exercising basic human rights, but also results in internalized self-deprecation. This leads to self-destructive behavior (alcohol, drugs, unprotected sex), as well as to unwillingness of LGBT to use existing legal mechanisms to protect their rights, accepting discrimination as a fact of life.

The situation of transgender people in Kyrgyzstan needs to be examined separately. This is perhaps the most vulnerable part of the LGBT community, since transgender people are not able to hide their gender identity, thus avoiding stigma and discrimination on the part of society. Transgender people are subjected to physical and sexual abuse, both on the streets and at home. Also, they are subjected to open and indirect discrimination on grounds of their gender identity in all public institutions of the country, becoming the victims of misunderstanding, suspicion and degrading treatment. Even when well-educated and fully able to work, transgender people cannot always find job because their appearance, expressing their gender identity, does not match the sex stated in their passport. The situation of transgender people in Kyrgyzstan has also undergone some positive changes within recent years. Currently, there is a system of diagnosis, there are transgender-friendly medical specialists, information about hormones, surgery, adaptation in society is available, there is support in the Kyrgyz language for transgender people from the regions.

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<sup>31</sup>Gender aspects of HIV/AIDS (research at the level of local communities in Kyrgyzstan). Bishkek, 2003. P. 14.

<sup>32</sup>For the first time in Central Asia: «Equality Caravan» was held in Kyrgyzstan. Source: <http://www.labrys.kg/index.php?show-post=240>

<sup>33</sup>Miroshnik M. By means of dating sites, MIA officers gouge money out of lesbians and gays // Evening Bishkek. Source: [http://www.vb.kg/news/society/2012/03/09/181479\\_posredstvom\\_saytov\\_znakomstv\\_sotrydniki\\_mvd\\_vymogaut\\_dengi\\_y\\_lesbiiatok\\_i\\_geev.html](http://www.vb.kg/news/society/2012/03/09/181479_posredstvom_saytov_znakomstv_sotrydniki_mvd_vymogaut_dengi_y_lesbiiatok_i_geev.html)

<sup>34</sup>Homosexuality: the realities of Kyrgyzstan. Bishkek, 2011; Freedom to be. Bishkek, 2011; Letter to parents. Bishkek, 2011; A little about health and care for it. LGBT, this is for you ... Bishkek, 2011; Stories of gays and bisexual men. Kyrgyzstan 2009-2010. Bishkek, 2010; Notes on how it was. Invaluable experience of «Labrys» in achieving tolerance to LGBT by medical specialists in Kyrgyzstan. Bishkek, 2010; Doctor, this is for you. For medical specialists about LGBT. Bishkek, 2009, T-World. Bishkek, 2009.

## 4. OVERVIEW OF INTERNATIONAL TREATIES, LAWS AND REGULATIONS ON LGBT, INCLUDING THOSE WHICH CREATE PROBLEMS AND THOSE WHICH PROTECT

### ■ Laws and regulations that create obstacles for MSM

The Constitution of the Kyrgyz Republic, as well as the legal framework of the country as a whole has no direct laws restricting the rights of MSM. The Kyrgyz Constitution declares that «No one may be subject to discrimination on the basis of sex, race, language, disability, ethnicity, belief, age, political and other convictions, education, background, proprietary and other status as well as other circumstance»<sup>35</sup>.

But it must be noted that there are separated articles of legislation that form an obstacle for compliance with all the rights of MSM. For example, Art. 129 of the Criminal Code of the Kyrgyz Republic establishes criminal liability for rape of women («female victim») exclusively. According to the law, rape committed in relation to men, is not classified as rape, which leads to a relatively shorter period of punishment. Likewise, rape committed in relation to trans-woman, who has not managed to change her passport yet, is not classified as «rape».

Also, the Criminal Code still has the discriminatory phrase «pederasty»<sup>36</sup>. «Pederasty» is mentioned in the article, punishing for acts of sexual nature, which may lead to the perception of «pederasty» as a sexual offense, and not a variant of normal human sexuality.

Legislation on the whole does not mention same-sex unions, while the Constitution of the Kyrgyz Republic does not establish the gender of people who are getting married<sup>37</sup>. The Family Code of the Kyrgyz Republic however does distinguish the gender in people who are getting married<sup>38</sup>. At the same time, Art. 15 of the Family Code lists the circumstances which may prevent the marriage; it says nothing about banning same-sex marriage<sup>39</sup>.

The Kyrgyz legislation does not discriminate against persons having same-sex (sexual) relationships. Part 4 of Article 1 of the Family Code states that any forms of restriction of citizens' rights when getting marriage as well as social, racial, ethnic, language-based or religious discrimination in the field of family relations is prohibited. Family rights of citizens shall be limited only in the circumstances provided by the law. Limitation in family rights shall be carried out only to the extent deemed necessary to protect morals, health, rights and legal interests of other family members or other citizens. Discrimination based on gender or sexual orientation is not included in the list of prohibited signs. Thus, interested parties may appeal only to moral values or traditions in order to prevent same-sex marriage in Kyrgyz society.<sup>40</sup>

<sup>35</sup>Constitution of the Kyrgyz Republic. Article 16. Source: [http://www.kenesh.kg/RU/Articles/42-Konstituciya\\_Kyrgyzskoj\\_Respubliki.aspx](http://www.kenesh.kg/RU/Articles/42-Konstituciya_Kyrgyzskoj_Respubliki.aspx)

<sup>36</sup>Criminal Code of the Kyrgyz Republic. Article 130. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

<sup>37</sup>Constitution of the Kyrgyz Republic. Article 36, i.5. Source: [http://www.kenesh.kg/RU/Articles/42-Konstituciya\\_Kyrgyzskoj\\_Respubliki.aspx](http://www.kenesh.kg/RU/Articles/42-Konstituciya_Kyrgyzskoj_Respubliki.aspx)

<sup>38</sup>Family Code of the Kyrgyz Republic. Article 1, 13. Source: <http://pravo.tazar.kg/index.php?newsid=15>

<sup>39</sup>Family Code of the Kyrgyz Republic. Article 15. Source: <http://pravo.tazar.kg/index.php?newsid=15>

<sup>40</sup>Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

The Criminal Code has another article, which in practice becomes the basis for the violation of the rights of MSM. It is the Art. 262 «Illegal making or sales of pornographic materials»<sup>41</sup>. Due to the fact that the concept of «pornography» itself is not precisely defined in the legislation of the Kyrgyz Republic, all materials containing homoeroticism may be banned under this article; that is, they may be subjectively deemed pornographic. There is a history of criminal prosecution of MSM in Kyrgyzstan under this article<sup>42</sup>.

#### ■ **International treaties, laws and regulations which protect MSM**

The Kyrgyz Republic has ratified all the basic documents of international importance concerning the protection of human rights: in 1994, the International Covenant on Civil and Political Rights as well as Optional Protocol to the Covenant and the International Covenant on Economic, Social and Cultural Rights; in 1997, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in 2008 the Optional protocol to the Convention against Torture; in 1997, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and in 2002 the Optional Protocol to CEDAW<sup>43</sup>.

For more details, see the item of this chapter «International treaties, laws and regulations which protect LGBT»

#### ■ **Laws and regulations which create obstacles for LGBT**

Since 1998, the criminal liability for homosexual practices has been abolished in the Kyrgyz Republic.

Currently, the Kyrgyz legislation does not use the term «homosexuality», violent same-sex relationships are defined as «pederasty» and «lesbianism». Sexual relationships between same-sex partners, who are adults or of marriage age, are not prohibited by the law. According to the Criminal Code only violent «pederasty» and «lesbianism» as well as other violent sexual acts shall be punished by imprisonment for a term of three to eight years<sup>44</sup> (for more detail see Chapter 11. «Review of the legislation involving LGBT and affecting compliance and violation of LGBT rights»).

The Family Code of the Kyrgyz Republic does not provide for the possibility to enter into same-sex marriages despite the fact that there is no direct prohibition of such marriages.

It should be also noted that the legislation of the Kyrgyz Republic does not introduce the concept of hate crimes. Before Kyrgyzstan's second Tulip Revolution (2010), an initiative to draft the Criminal Code of KR was launched. The process to include the article on hate crimes into the Criminal Code was held in the 9th MIA directorate. The initiators planned to add sexual orientation and gender identity as one of the qualifiers. The process was stopped due to political changes in the country. The legislation of Kyrgyzstan also lacks anti-discrimination amendments which would include sexual orientation and gender identity as signs, free from discrimination and protected from it by the state.

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<sup>41</sup>Criminal Code of the Kyrgyz Republic. Article 262. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

<sup>42</sup>Kyrgyzstan: Can a gay rely on a fair trial? Source: <http://pathfinder.kloop.kg/2011/06/02/kyrgyzstan-mozhet-li-gej-rasschityvat-na-spravedlivoesudebnoe-razbiratelstvo/>

<sup>43</sup>Gender legal reference book. Drawn up by: Alymkulova A, Zhaparova N. Bishkek, 2010. P. 393-394.

<sup>44</sup>Criminal Code of the Kyrgyz Republic. Article 130. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

<sup>45</sup>Hate crimes are criminal acts committed with a bias motive. A hate crime could be an act of intimidation, threats, property damage, assault, murder or any other criminal offence. Hate crimes differ from other criminal offences. It is this motive that makes hate crimes different from other crimes. // hate crime laws: A practical guide. Warsaw, ODHR, 2009. P.16. Source: <http://www.osce.org/ru/odihr/36427>

■ **The number of laws and policies at national and sub-national levels act as an obstacle to the provision of services and information for LGBT**

The previously mentioned Art. 262 of the Criminal Code of the Kyrgyz Republic «Illegal making or sales of pornographic materials»<sup>46</sup> may become an obstacle to communication activity. Information materials on MSM and homoeroticism may be deemed pornographic<sup>47</sup>.

■ **International treaties, laws and regulations which protect LGBT**

Universal Declaration of Human Rights (1948), International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), Convention on the Elimination of All Forms of Discrimination against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading treatment or punishment (1984) concur that everyone is entitled to all the rights and freedoms without any distinction, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. All the rights and freedoms are universal, interdependent, indivisible and interrelated.

For the first time, the issues of sexual orientation and gender identity have appeared in the United Nations documents in 2008, when the «Human rights, sexual orientation and gender identity» Resolution<sup>48</sup> was adopted. Until 2008, only several joint statements were heard in the United Nations (for example, in 2005, New Zealand, on behalf of 32 countries, in 2006, Norway on behalf of 54 countries)<sup>49</sup>. The text of the declaration expressed concern over acts of violence and related offenses against persons on grounds of their sexual orientation and gender identity (hereinafter SOGI). Violence, harassment, discrimination, stigmatization due SOGI were also condemned in the subsequent resolution of 2009. The Resolution included the condemnation of murder, capital punishment, torture, arbitrary arrest, and deprivation of economic, social and cultural rights for the stated reasons<sup>50</sup>.

In 2010, the Committee of Ministers of the Council of Europe adopted a recommendation to Member States on measures to combat discrimination on grounds of SOGI<sup>51</sup>. States are recommended to collect and analyze relevant data of discrimination on grounds of SOGI; take appropriate actions to combat such discrimination to ensure respect for the rights of LGBT; to ensure that victims of discrimination are protected by the state, etc.

In November-December, 2011 – March, 2012 for the first time the report of the United Nations High Commissioner for Human Rights was presented and discussed in the context of SOGI «Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity»<sup>52</sup>. This is the first UN report which documented systematic violations of the rights

<sup>46</sup>Criminal Code of the Kyrgyz Republic. Article 262. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

<sup>47</sup>Kyrgyzstan: Can a gay rely on a fair trial? Source: <http://pathfinder.kloop.kg/2011/06/02/kyrgyzstan-mozhet-li-gej-rasschityvat-na-spravedlivoe-sudebnoe-razbiratelstvo/>

<sup>48</sup>Human rights, sexual orientation, and gender identity, OAS Resolution 2008, AG/RES. 2435 (XXXVIII-O/08). Source: <http://arc-international.net/global-advocacy/sogi-statements/oas-resolution-2008>

<sup>49</sup>SOGI Statements. Source: <http://arc-international.net/global-advocacy/sogi-statements>

<sup>50</sup>Human rights, sexual orientation, and gender identity, AG/RES. 2504 (XXXIX-O/09). Source: <http://www.unhcr.org/refworld/pdfid/4ad5ae402.pdf>

<sup>51</sup>Recommendation CM/Rec (2010) 5 of the Committee of Ministers [of the Council of Europe] to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity. Source: <http://arc-international.net/global-advocacy/sogi-statements/coe-recommendation>

<sup>52</sup>Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. Report of the United Nations High Commissioner for Human Rights, 2011. Source: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_Russian.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_Russian.pdf)

of LGBT people around the world. The report calls upon the states to fulfill their obligations on human rights protection (including lesbians, gays, bisexuals and transgender people), assumed within the international legal instruments.

«Yogyakarta Principles»<sup>53</sup> are a set of principles on SOGI and intended for the application of international legal standards in the issues on regulating abuse in the field of rights violations of LGBT people. The principles were developed by a group of distinguished international experts in 2006. The concluding document contains 29 detailed principles and guidelines for governments, regional intergovernmental organizations, civil society and the UN.

«Everyone is entitled to enjoy all human rights without discrimination on the basis of sexual orientation or gender identity... Discrimination on the basis of sexual orientation or gender identity includes any distinction, exclusion, restriction or preference based on sexual orientation or gender identity which has the purpose or effect of nullifying or impairing equality before the law or the equal protection of the law, or the recognition, enjoyment or exercise, on an equal basis, of all human rights and fundamental freedoms»<sup>54</sup>. Principles recommend that the States appropriately amend domestic legislation, including in relation to public and private acts of discrimination.

The developed principles are not fixed in the treaty, and thus, they are by themselves not a legally binding part of international law. However, the principles are intended to serve as an aid in the interpretation of human rights treaties.

In concluding observations of November 14, 2008 the CEDAW Committee in i. 43 expresses its concern about the facts of discrimination against women on grounds of sexuality, and in i. 44 recommends taking every possible measure to ensure the application of the Convention to all women without discrimination<sup>55</sup>.

The Kyrgyz government has received two recommendations during the session of the Universal Periodic Review in 2010 to improve the situation on human rights and protection of LGBT people in Kyrgyzstan, from Uruguay (Recommendation 62) and from the Czech Republic (recommendation 13).

Recommendation 76.62: Intensify in practice sanctions in cases of domestic violence, bride kidnapping, forced marriage, polygamy and discrimination against women due to sexual orientation, as well as promote mechanisms to protect and guarantee the rights of victims of domestic violence (Uruguay);

Recommendation 77.13: Review the compliance of its national legislation with provisions of the International Covenant on Civil and Political Rights on non-discrimination, in particular with regard to women and persons of minority ethnicity, sexual orientation or gender identity (Czech Republic).

In September, 2010, Labrys again took part in the second part of UPR session on Kyrgyzstan, where the government of the country declared its acceptance

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<sup>53</sup>Yogyakarta Principles. Principles on the application of international human rights law in relation to sexual orientation and gender identity. Yogyakarta, 2006. Source: <http://www.yogyakartaprinciples.org/>

<sup>54</sup>Yogyakarta Principles. Principles on the application of international human rights law in relation to sexual orientation and gender identity. Yogyakarta, 2006, 2006. Source: <http://www.yogyakartaprinciples.org/>

<sup>55</sup>The Committee on the Elimination of Discrimination against Women. The forty-second session: October 20 - November 7, 2008. Concluding observations of the Committee on the Elimination of Discrimination against Women. Kyrgyzstan. Source: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/KGZ/CO/3&Lang=R>

of both recommendations. At the moment, the Ministry of Justice included the protection of women against violence, including on grounds of sexual orientation in the National Action Plan on Implementation of UN UPR Recommendations.

■ **Laws and regulations which create obstacles for people living with HIV**

Currently, the Criminal Code of the Kyrgyz Republic has an article on liability for «known endangering of a person with threat of HIV infection», whose wording «endangering of a person with threat» can be interpreted very broadly .

■ **International treaties, laws and regulations which protect people living with HIV**

1. Declaration of Commitment on HIV/AIDS of June 27, 2001 ;
2. Political Declaration on HIV/AIDS of June 2, 2006 ;
3. Political Declaration on HIV/AIDS of 2011 .
4. Law on HIV/AIDS in the Kyrgyz Republic was adopted by Jogorku Kenesh on June 27, 2005 . The first law was adopted in 1996.
5. State program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016
6. Instructions for employees of the Interior of the Kyrgyz Republic on prevention of HIV/AIDS among vulnerable groups, 2008
7. Provision on social assistance to people living with HIV/AIDS and to members of their families dated April 25, 2006.
8. There are also several decrees of the Ministry of Health, which are designed to facilitate the access of HIV-positive people to health care services, among which the Decree «On provision of specialized assistance to HIV and AIDS infected patients» (2004), as well as the Joint Decree of the Ministry of Health and the State Service of Execution of Punishments «On improvement of measures to combat TB/HIV co-infections in the Kyrgyz Republic» (2010).

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<sup>56</sup>Criminal Code of the Kyrgyz Republic. Article 117. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

<sup>57</sup>Declaration of Commitment on HIV/AIDS. Source: [http://www.ilo.org/public/russian/region/eurpro/moscow/info/publ/ares26-2\\_ru.pdf](http://www.ilo.org/public/russian/region/eurpro/moscow/info/publ/ares26-2_ru.pdf)

<sup>58</sup>Political Declaration on HIV/AIDS. Source: [http://www.un.org/ru/documents/decl\\_conv/declarations/aidsdecl.shtml](http://www.un.org/ru/documents/decl_conv/declarations/aidsdecl.shtml)

<sup>59</sup>Political Declaration on HIV/AIDS. Source: <http://www.unaids.org/ru/aboutunaids/unitednationsdeclarationsandgoals/2011highlevelmeetingonaids/>

<sup>60</sup>Law of KR «On HIV/AIDS in the Kyrgyz Republic. Source: <http://doc.aids.gov.kg/ru/view.asp?id=9>

<sup>61</sup>Draft Decree of the KR Government «On State program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016». Source: <http://www.gov.kg/?p=7522>

<sup>62</sup>Source: <http://www.leahrn.ru/wp-content/themes/leahrn/resources/resource1.pdf>

## 5. SITUATION WITH LGBT: GENERAL DESCRIPTION OF THE GROUP OF LGBT COMMUNITY, INCLUDING MSM AND WSW, TRANSGENDER PEOPLE

LGBT community in Kyrgyzstan is large and heterogeneous, as in all countries of the world. No attempt to systematize the available information about the LGBT community and describe its main characteristics has been made to date. In the context of HIV prevention programs, the LGBT community has appeared more recently. Previously, notions that describe the practice of people somehow exposing them to a greater or lesser risk of HIV-infection were mainly used, therefore HIV-specific documents refer to MSM and WSW. Available sources contain information only about MSM, as well as some scanty information about the LGBT community as a whole.

No studies designed to estimate the prevalence of homosexual behavior among the general population have been conducted in Kyrgyzstan.

In 2005, the assessment and review of «HIV and men who have sex with men, in the Kyrgyz Republic»<sup>63</sup> was conducted with support of the Global Fund.

### ■ **Structure of the group of homosexually active men in Kyrgyzstan**<sup>64</sup>

Men openly gay: men who acknowledge their homosexual orientation with an open sex life are defined as gays. In Kyrgyzstan, such people are very few.

Homosexual and bisexual men leading a double life. (a) Homosexual and bisexual men who have accepted their sexual orientation and do not find it burdensome: these men hide their sexual orientation from society and individuals, but they can have a circle of friends who know about their sexual orientation, and they can socialize with other homosexual and bisexual men, whom they trust. (b) Homosexual and bisexual men who themselves have not accepted their sexual orientation and find it burdensome: these men are not latent homosexuals or bisexuals, they are homosexuals/bisexuals. They may deny it or consider their sexual practices in relation to other men as sinful.

Heterosexual men. These are men who want only women, but have sex with other men for other reasons than desire. Some impoverished young men start prostituting themselves to other men for economic reasons, while others start practicing sex with men under the influence of drugs and/or alcohol. Men in prison may also fall into this category.

The first assessment of MSM was conducted in 1997 by Robert Oostvogels. In a report of 2005, the author notes a number of changes that have occurred over 8 years, including<sup>65</sup>:

- a. Repression by the police has grown (extortion and blackmail on pleshkas (cruising areas) of visitors of gay clubs), especially in the period between 2000 and 2003;
- b. Ethnic Europeans don't mix with ethnic Kyrgyz and Uzbeks. There can even be hostility between ethnic Europeans and ethnic Asians, especially in southern cities such as Jalalabat.

<sup>63</sup>HIV and men who have sex with men, in the Kyrgyz Republic. Assessment and review. Source: <http://www.volvox.in.kg/library?doc=73>

<sup>64</sup>Oostvogels R. HIV and men who have sex with men, in the Kyrgyz Republic. Assessment and review. Bishkek, 2005. P. 6-9.

<sup>65</sup>Oostvogels R. HIV and men who have sex with men, in the Kyrgyz Republic. Assessment and review. Bishkek, 2005. P. 8.

## ■ Estimated number of MSM<sup>66</sup>

To estimate the number of MSM in Kyrgyzstan it is proposed to use a combination of two approaches: extrapolation on the basis of assumptions and empirical researches. Today Kyrgyzstan, falls into the category of countries where homosexual behavior remains a strict taboo. In view of this, it is recommended to follow the conservative estimate of the prevalence of homosexual behavior: 2% of the total number of sexually active male population. Based on empirical data, 1% of sexually active male population is practicing homosexual behavior. Thus, the estimated number of homosexually active men in the country ranges from 18,000 to 36,000.

The number of male sex workers has been surveyed only once, in 2003. At that time, there were from 50 to 100 in Bishkek. After 2003, no attempt was made to systematically monitor the situation. A short note on male sex work in Kyrgyzstan was published in the newsletter of ENMP<sup>67</sup> in April 2003.

It is known that two transgender sex workers in Bishkek periodically contact with PA «Labrys».

The number of lesbians and transgender people is unknown. During the eight years that PA «Labrys» was active, about 40 transgender people made contact with the organization.

There are no data on prevalence of drug use within the LGBT community. Within 15 years, since 1997, significant changes have occurred in the organization of social life within the LGBT community. For example, if in 1997 there were a few large groups of friends, then in 2005 there were more numerous, but smaller groups, about which little is known<sup>68</sup>. «Oasis», the first organization, which launched HIV prevention programs for MSM, has been transformed into an organization of openly gay men, isolated from the extensive networks of MSM who avoid communication and association with the «Oasis»<sup>69</sup>.

Between 2005 to 2012, several organizations have been transformed and become active, attracting young people of up to 30 years. Older people have their own social circles and only occasionally have contact with LGBT organizations. About a thousand people make contact with Labrys with some degree of frequency. These are people of all ages, from late adolescence up to 50 years old or above, but 85% are younger than 30<sup>70</sup>.

At the time this report was being prepared, the staff of «Labrys» updated the estimate of the number of people who have direct contact with the organization through its staff, because systematic intervention, which would be documented based on which we could provide data on the number of people who contact with the Labrys, had not started yet. 220 people contact with the staff of the organization, what we refer to as the «circle of first contact», of which 92 people

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<sup>66</sup>Oostvogels R. HIV and men who have sex with men, in the Kyrgyz Republic. Assessment and review. Bishkek, 2005. P. 10-13.

<sup>67</sup>Kurmanova G. Male sex work in Kyrgyzstan // ENMP, April 2003. Source: [http://www.prostitutie.nl/fileadmin/nl/6.\\_Studie/6.3\\_Documenten/6.3h\\_Jongens\\_prostitutie/pdf/ENMPnews5.pdf](http://www.prostitutie.nl/fileadmin/nl/6._Studie/6.3_Documenten/6.3h_Jongens_prostitutie/pdf/ENMPnews5.pdf)

<sup>68</sup>Oostvogels R. HIV and men who have sex with men, in the Kyrgyz Republic. Assessment and review. Bishkek, 2005. P. 9.

<sup>69</sup>Oostvogels R. HIV and men who have sex with men, in the Kyrgyz Republic. Assessment and review. Bishkek, 2005. P. 9.

<sup>70</sup>Wilkinson C., Kirey A. What's in a name? The personal and political meanings of 'LGBT' for non-heterosexual and transgender youth in Kyrgyzstan // Central Asian Survey, Volume 29, Issue 4, 2010. P. 485-499. Source: <http://dx.doi.org/10.1080/02634937.2010.533970>

are lesbians and bisexual women, 96 people are gays and bisexual men and 32 people are transgender. Age: more than a half of the 220 are young people under 30. Employment: 165 are employed, 35 do not have a permanent job, but have informal earning opportunities, 16 do not have a job at all. Dwelling: more than half rent apartments, 65 live with their parents, 32 have their own their dwelling. Contact with Labrys as an organization: two-thirds have had contact with the organization, one-third have only personal contacts with staff as part of their daily lives.

PA «Kyrgyz Indigo» also updated its numbers at the time of the report was being prepared; the organization has had contact with 170 gay and bisexual men. It estimates the number of people to whom it could supply services is around 900.

## 6. LGBT COMMUNITY AND INFRASTRUCTURE

The history of the formation of LGBT organizations in Kyrgyzstan dates back to 1995, when an pilot group, registered as Public Foundation «Oasis» in 1998, was established. Currently there are eleven organizations and initiatives within LGBT community.

- a. In Bishkek city, the following organizations are operating: PF «Avallon», PA «Kyrgyz Indigo», PA «Labrys», PF «Oasis», PA «Pathfinder», Transgender Initiative Group “Tendik”, «Subbotnik Q»;
  - b. In Chui Province PF «Gender-Vector» is operating;
  - c. In Talas town the organization «Asman» is operating, also the organization «Space» was operating in that town;
  - d. In Osh city, the Initiative Group «Zolotaya Antilopa» (Golden Antelope), which was supported by the experienced NGO «Info Centre Rainbow» is acting.
- **PF «Avallon» (Bishkek city)** avoids publicity about its activities. The organization is working mainly with men.
  - **PA «Kyrgyz Indigo» (Bishkek city)** is a young organization, registered in 2010. Before its official registration, the initiative was supported by the Global Fund to Fight AIDS, Tuberculosis and Malaria (hereinafter GFATM). PA «Labrys» supported the initiative in matters of administration and general management. PA «Kyrgyz Indigo» works with bisexual and homosexual men on issues of capacity building and protection of human rights of GB community. «Kyrgyz Indigo» is registered as a community-based organization and is a voluntary union of citizens, united by common interests to meet the spiritual, physical, and social needs and to protect their human rights.
  - **PA «Labrys» (Bishkek)** is an organization which has been active since 2004. The initiative was started by a group of lesbians and bisexual women. It was officially registered in 2006 as the Public Association «Labrys». The organization serves primarily LBT. The vision of the organization is a Kyrgyz society in which all citizens have equal rights and opportunities, regardless of their sexual orientation and practices, race, ethnicity, age, gender and sexual identity, religion and social status. Its mission is to strengthen the LGBT community in Kyrgyzstan to protect and guarantee their human rights. The main activity of the organization is advocacy at the international and national levels to promote the rights of the LGBT community. One of the exceptional achievements of the organization is the initiation of legislative activity aimed at the recognition of the right to obtain identity documents according to gender identity. It was namely Labrys that submitted alternative reports to CEDAW in 2008 and to UPR in 2010, on the basis of which the country received recommendations for improvement of the situation of the LGBT community.
  - **PF «Oasis» (Bishkek city)** is a foundation that was registered in 1997. «Oasis» actively implemented HIV prevention programs until 2006-2007. Currently the organization has no external funding and it survives on the contributions of its members. Today, «Oasis» continues conducting information campaigns, distributes condoms and lubricants, participates in the development of brochures

together with partner organizations, as well as participates in conferences at both local and international levels. Also, PF «Oasis» was a part of the working group on the development of the State Programme on HIV/AIDS for 2012-2016.

- **PA «Pathfinder» (Bishkek city)** is a young organization whose mission is to transform the movement for equal rights without regard to sexual orientation and gender identity of people into an influential social force and to build a society without discrimination and segregation in Kyrgyzstan.
- **TIG «Tendik» (Bishkek city)** is a Transgender Initiative Group, which decided to stand as an independent community in 2010. Most activist groups started their work and activism in the team of «Labrys». Members of TIG «Tendik» continue trans-advocacy, started by PA «Labrys» a few years ago.
- **«Subbotnik Q» (Bishkek city)** – This initiative grew out of vast working experience with various structures, projects, donors, organizations and communities; out of numerous discussions, conversations and adherence to the principles of equity, diversity and emancipation. The mission of «SQ» is to create an equal and friendly space for access of people from different communities to resources, skill acquisition, self-actualization and social-political status. Through its activity, «SQ» promotes the culture of peaceful civil disobedience, alternative activism, philanthropy and solidarity to achieve tolerance, as well as to change the stereotypes about the protests and civil society in Kyrgyzstan. For several years, «SQ» has been organizing performances of «The Vagina Monologues» in Bishkek.
- **PF «Gender-Vector» (Chui Province)** - Originally a branch of PF «Oasis», it became an independent organization in 2007, working mainly with gays. The organization is actively implementing HIV prevention programs. The foundation's mission and vision is to cultivate healthy lifestyles and safe practices among vulnerable groups of young people, particularly MSM. It carries out activities aimed at the prevention of HIV and STIs, implements educational programs, provides legal and social protection for this group, and lobbies for their interests as well.
- **PF «Space» (Talas town)** - the organization has been active in the field of HIV/AIDS prevention among MSM in Talas and Talas district. We have no current information about the activities of this organization.
- **Asman (Talas town)** - the organization that has to a certain extent become the successor of the PF «Space» in Talas district.  
IG «Zolotaya Antilopa» (Osh city) is the only initiative group which specifically encourages solidarity between European and ethnic Kyrgyz and Uzbeks gay men.
- **«Community Center Project - Shelter» Anti-AIDS Association (Bishkek city)** is funded by the Global Fund and is aimed at HIV prevention among MSM. The project provides for group supports, mini-sessions on safe sex, and personal counseling. Its employees were formerly members of PA «Labrys» and PF «Oasis». Its activities were to be transferred to PA «Pathfinder», but for various reasons shelter continues operating as a project of the Anti-AIDS Association, which does not provide direct services to people from communities affected by the HIV epidemic.

In Bishkek city, there are three disco-clubs for the LGBT community, DB «Mayak», «Gvozdi», «Spayders». DB «Mayak» and «Spayders» have for more than ten years been friendly places for the LGBT community, with regular activities and private parties. «Gvozdi» has only recently been serving the community, as originally it was established as a regular club, not a thematic one. At the moment, «Gvozdi» is the most popular of the three. Various organizations and initiative groups cooperate with “Gvozdi” to organize public events for the LGBT community.

## 7. NATIONAL POLICY AND BUDGET

The Kyrgyz Republic will shortly be implementing the national decree «On the state program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016»<sup>71</sup>. This is the fourth state program that strengthens on a national scale the commitment of the government to address the HIV epidemic. In this program, as in the previous two, HIV prevention among MSM is specifically highlighted: Task 2.2. Reduce the vulnerability of men who have sex with men (MSM) to HIV infection. Its goals are to achieve the following results: that more than 30% of MSM will be covered with a basic package of services in 2016. The program does not mention other groups which may be associated with the LGBT community: transgender people and women who have sex with women and who also need access to health care services, including those related to HIV prevention.

The budget, provided for the programs among LGBT, has not been evaluated. It is known that in the Round 7 funding, GFATM provided for 1.5% of the total amount, more than US\$28 million for a five-year period (December 1, 2009 - December 31, 2013). From July 1, 2011 a new agreement for the Single Stream of Funding has come into effect, connecting projects of rounds 7 and 10 totaling US\$30,733,897<sup>72</sup>, which will continue until December 31, 2013. A detailed breakdown of the spending is not available, so we cannot give here the share of GFATM program budget provided for supporting activities targeting MSM. The information about the amounts of funding for other programs which have a MSM component is likewise not available.

Composite Policy Index was almost reached in 2011, making up 0.9 of the target 0.9 (initial in 2006: 0.6)<sup>73</sup>. However, the main problem now is to maintain this index at this level, as there is a need for sustainable financing of prevention programs for key population on the part of both the state and international organizations.

Participation of LGBT in decision-making process of the national level is extremely limited. The current composition of the Country Coordinating Mechanism (CCM) has no members of the LGBT community. In general, the LGBT community is excluded from the decision-making process in the context of HIV epidemic control programs in the country.

<sup>71</sup>The Ministry of Health of the Kyrgyz Republic brings up draft decree of the Government of Kyrgyz Republic «On the State program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016» to public discussion. Source: <http://www.gov.kg/?p=7522>

<sup>72</sup>Program Grant Agreement between GFATM and UNDP, Kyrgyz Republic. [http://www.theglobalfund.org/grantDocuments/KGZ-H-UNDP\\_GA\\_0\\_en](http://www.theglobalfund.org/grantDocuments/KGZ-H-UNDP_GA_0_en)

<sup>73</sup>Global AIDS response progress reporting. Kyrgyz Republic. Reporting period: January, 2010 – December, 2011. Submission date: March 31, 2012 – Bishkek – March, 2012. – p. 16

## 8. DONOR SUPPORT

The country implements a significant number of programs on HIV epidemic control with the support of the Global Fund, including the programs on HIV prevention among MSM. In 2002, Kyrgyzstan filed an application to the Global Fund for a grant of more than US\$17 million for 5 years which was approved. The second round covered the period 2004-2009. In 2007 the country filed an application for round 7 funding, which was approved for the Category I in the amount of US\$28 million also for a five-year term. The program of round 7 began in 2009, immediately after the end of round 2 funding. In 2009, funding was applied for, for round 9, but it was unsuccessful. When announcing the invitation for proposals for the round 9 funding, the Global Fund also announced that at the 19th Global Fund Board meeting of May 5-6, 2009, the strategy concerning sexual orientation and gender identity (SOGI) was approved. The country did not include the elements of SOGI strategy in the round 9 application. The revised round 9 application was submitted with changes in the round 10 funding and was approved, but also, unfortunately, did not contain the elements of SOGI strategy.

The Principal Recipient of round 2 and 7 grants was the Republican Association «AIDS.» After the visit of Global Fund Inspector General's Office as well as after the events of the second Tulip Revolution in April, 2010, the Global Fund initiated the process of transferring of principal partnership of all three components – Tuberculosis, HIV and Malaria – to the UNDP as the main recipient of GFATM funds during the period of instability. The transfer process was initiated in the summer of 2010, an agreement between UNDP and GFTSM was signed in 2011, the official start of the HIV program was July 1, 2011, which was preceded by a long negotiation process, resulting in significant delay in funding of the major non-governmental organizations which implement HIV prevention programs among key populations. Currently, UNDP administers the joint program of 7 and 10 rounds<sup>74</sup>. At the time of writing, none of the non-governmental organizations has resumed full program activity in the field of HIV prevention.

In addition to the Global Fund's program, HIV prevention programs among key populations<sup>75</sup> are implemented nationally with the support of the international project CARHAP, AFEW, «Dialogue» Project, funded by USAID and implemented by PSI (HIV component), Soros Foundation-Kyrgyzstan/OSI. CARHAP project completes its activity in late 2012 and it did not finance the direction for HIV prevention among MSM in Kyrgyzstan. The «Dialogue» project also ends in 2012. The support of the direction for HIV prevention among MSM was provided by PSI through direct employment of outreach workers.

Also, the organizations working with LGBT people nationally received funding from amFAR, the Global Fund for Women, OSI within SHARP and LGBTI programs.

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<sup>74</sup>PA «Labrys» never systematically implemented programs, funded by GFATM, except for one that was implemented from April 1, 2009 to February 28, 2010 within the round 7 funding. This program was the first experience of the implementation of target prevention intervention among MSM. This project was fully transferred for program management to the initiative group «Indigo», PA «Labrys» kept only general administration. Currently, the initiative group is already operating as an officially registered organization.

<sup>75</sup>Key population – a term which replaced the term «vulnerable groups in relation to HIV»

## 9. CURRENT COVERAGE OF MSM, WSW AND TRANSGENDER PEOPLE BY PARTNER ORGANIZATIONS

As of January 1, 2011, prevention programs cover 1700 MSM (Bishkek city-700, Kara-Balta city - 700, Osh city - 300 MCM)<sup>76</sup>.

PA «Labrys» contacts with the LGBT community, totaling about 1000 individuals, among whom LB prevail. Within the project COC PRECISKG 2010 the support of various kinds, including prevention, is provided to 216 people without indicating the distribution into subgroups. Currently, there are 23 transgender people in the list of active contacts in PA «Labrys».

PA «Kyrgyz Indigo», being still having status as an initiative within the project on HIV prevention, supported by the GFATM, had dealings with about 600 gay and bisexual men in 2009 and 2010.

On the whole, following the implementation of the incomplete first phase of HIV program of GFATM Round 7 funding, 1656 MSM (data as of March 31, 2011) are covered with prevention, care and support programs.

Coverage of MSM with other services, except for the prevention, was not assessed. Within the program of round 7 there are only summary data on coverage with other services: 387 MSM received access to an expanded package of services, which include non-medical services (data as of March 31, 2011).

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<sup>76</sup>State program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016. – p. 20.

## 10. WORKING ENVIRONMENT OF PARTNER ORGANIZATIONS

LGBT organizations in the country, which actively implement HIV prevention programs for MSM, have the opportunity within these programs to support sufficiently productive relationships with other NGOs, with state structures and donors. LGBT organizations, which do not have programs on HIV prevention among MSM as a priority, are at some distance from the community organizers which are active in the field of HIV prevention. Human rights organizations, which have a long history of working in the country, do not have the promotion of the rights of the LGBT community as one of their priorities.

Thanks to trans-advocacy, PA «Labrys» established partner relationships with a number of health care institutions both in Bishkek and in other regions of the country.

## 11. REVIEW OF THE LEGISLATION INVOLVING LGBT AND AFFECTING COMPLIANCE AND VIOLATION OF LGBT RIGHTS

No official review of the national legislation in relation to LGBT in the Kyrgyz Republic was conducted. However, according to the results of the Universal Periodic Review, Kyrgyzstan received recommendations on the need to review the compliance of its national legislation with provisions of the International Covenant on Civil and Political Rights<sup>77</sup>. PA «Labrys» reached an informal agreement with the Ministry of Foreign Affairs on joint conducting such a review in 2012.

Before 1998, the Criminal Code, which was inherited from the Soviet Union, had the Article 121, which established penalties for «pederasty» (sexual relations between women were not mentioned as a crime): “Pederasty is punishable by imprisonment for up to two years. Pederasty, committed with the use of violence either in relation to a minor, or by using the victim’s dependent position, shall be punished by imprisonment for a term from two to six years”<sup>78</sup>. Lesbianism in the wording of this law was not mentioned and was not treated as a crime<sup>79</sup>.

On January 1, 1998 a new Criminal Code, which abolished criminal liability for «pederasty»<sup>80</sup>, was brought into force. However, the terms «pederasty» and «lesbianism» are introduced in the articles, which establish criminal liability for violent sexual acts.

In particular:

«Article 130. Violent sexual acts: (1) Pederasty, lesbianism or other sexual acts using or threatening with violence to the victim (female victim) or other persons, or using the victim’s (female victim’s) helplessness shall be punished by three to eight years of imprisonment.

Article 131. Sexual coercion: Forcing a person to sexual intercourse, pederasty, lesbianism or other sexual acts through blackmail, threat of destruction, damage or seizure of property or by using material or other dependence of the victim (female victim) shall be punished by fine in the amount from 100 to 200 minimum monthly wages or by imprisonment of up to 2 years.

Article 132. Sexual intercourse and other sexual acts with a person under sixteen years of age: Sexual intercourse, pederasty or lesbianism, committed by a person who has attained the age of eighteen, with a person knowingly to be under the age of sixteen shall be punished by imprisonment of up to three years»<sup>81</sup>.

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<sup>77</sup>Report of the Working Group on the Universal Periodic Review on Kyrgyzstan, 2010. Recommendation 77.13 P. 24. Source: [http://www.upr-info.org/IMG/pdf/A\\_HRC\\_15\\_2\\_R.pdf](http://www.upr-info.org/IMG/pdf/A_HRC_15_2_R.pdf)

<sup>78</sup>Criminal Code of the RSFSR date 27.10.1960 r. Source: [http://www.lawrussia.ru/bigtexts/law\\_3558/page4.htm](http://www.lawrussia.ru/bigtexts/law_3558/page4.htm)

<sup>79</sup>Van der Veer D. Kyrgyzstan: «country of human rights»... but not for homosexuals! COC Netherlands, HIVOS, 2004. P. 11. Source: [http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen\\_id=140](http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=140)

<sup>80</sup>Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

<sup>81</sup>Criminal Code of the Kyrgyz Republic. Article 130-132. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

Thus, the terms «pederasty» and «lesbianism» are used to determine the form of sexual violence, which is contrary to international law and is discriminatory<sup>82</sup>. The concluding comments of the CEDAW Committee of 1999 on the first report of Kyrgyzstan (comments 127 and 128) reflect the concern of the Committee that «lesbianism is classified as a sexual offense in the Criminal Code», for which reason the Kyrgyz government is recommended «that lesbianism be reconceptualized as a sexual orientation and that penalties for its practice be abolished»<sup>83</sup>.

Rigid gender frameworks regarding the legal concept of «Rape» in the Art. 129 of the Criminal Code of the KR raise additional concern. Here «Rape» is understood as an infringement upon sexual freedom and integrity only of cisgender woman («female victim»)<sup>84</sup>. Under the law, the equivalent acts committed against a cisgender or transgender man, or by a cisgender man/woman against a transgender women are not classified under «Rape» article (Art. 129 of the Criminal Code of the KR), but only as less punishable «violent sexual acts», mentioned above in Art. 130, 131 and 132.

The only case of a positive or neutral mention of sexual orientation or gender identity in the modern legislation or public policy of Kyrgyzstan is the law of the Kyrgyz Republic on the AIDS prevention and control (No.149, dated August 13, 2005), declaring the readiness of the state to consider the needs of men who have sex with men, in the context of health care services provision. However, lesbians, bisexual women and transgender people are not mentioned in the law<sup>85</sup>.

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<sup>82</sup>International covenant on civil and political rights. Source: [http://www.un.org/ru/documents/decl\\_conv/conventions/pactpol.shtml](http://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml)

<sup>83</sup>Committee on the Elimination of Discrimination Against Women, Concluding Observations: Kyrgyzstan (1999). Source: <http://www1.umn.edu/humanrts/cedaw/kyrgyzstan1999.html>

<sup>84</sup>Article 129 of CC of the KR: «Rape, that is sexual intercourse with the use of physical violence, with the threat to use it against female victim or her family members, as well as with the use of the victim's state of helplessness, shall be punished by five to eight years of imprisonment» // Criminal Code of the Kyrgyz Republic. Source: <http://legislationline.org/ru/documents/action/popup/id/14305/preview>

<sup>85</sup>Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

## 12. GENERAL SITUATION WITH OBSERVANCE OF HUMAN RIGHTS

Human rights in the Kyrgyz Republic are secured by the Constitution mainly in the second section, «Human rights and freedoms»<sup>86</sup>. Kyrgyzstan is a member of the UN, OSCE and CIS. The Constitutional Court was abolished in 2010, the constitutional oversight under Art. 97 of the new constitution, adopted in the summer of 2010, should be performed by the Constitutional Chamber of the Supreme Court, whose activity is regulated by constitutional law, but as of September, 2011 it was not been formed yet. Since 2002 there is the post of ombudsman (Akyikatchy) in the Republic<sup>87</sup>.

### ■ Domestic violence against lesbians, gays, bisexual and transgender people

Given the lack of information on sexuality, many families of lesbian, gay, bisexual and transgender people react with negativity, pressure and sometimes violence when they find out about their family member's identity<sup>88</sup>. Dozens of cases of domestic violence in form of beating, humiliation, house arrest, restricted movement and curative rape against LGBT people have been documented by local and international organizations<sup>89</sup>. The Kyrgyz government usually responds with arguments that violence is prevalent in Kyrgyz society and that LGBT people are not specifically targeted<sup>90</sup>.

### ■ Violations of LGBT rights, committed by law enforcement agencies

According to the preliminary results of the monitoring and documentation of violations of LGBT rights and hate crimes during 2010-2011, law enforcement agencies of the Kyrgyz Republic are one of the most frequent violators of LGBT rights in the country. Types of offenses, committed by law enforcement agencies of the Kyrgyz Republic, include blackmail and extortion with the threat of disclosure of personal information (sexual orientation/gender identity), unauthorized intrusions into the offices of LGBT organizations for the purpose of intimidation or blackmailing, and torture of LGBT people.

Kyrgyz LGBT organizations report that common scenarios of blackmailing LGBT people by law enforcement agencies include entrapment ads in newspapers and on the Internet, which usually end in a meeting with a police officer and then blackmail, extortion and threats. There is also a common practice when officials extort homosexuals at the exit of LGBT people from gay clubs. In this situation, the policemen, threatening with disclosure of sexual orientation of the detained to their relatives or employers, extort money from LGBT people or force them to sexual acts.

<sup>86</sup>Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

<sup>87</sup>Constitution of the Kyrgyz Republic. Source: [http://www.kenesh.kg/RU/Articles/42-Konstituciya\\_Kyrgyzskoj\\_Respubliki.aspx](http://www.kenesh.kg/RU/Articles/42-Konstituciya_Kyrgyzskoj_Respubliki.aspx)

<sup>88</sup>Law of the Kyrgyz Republic «On Ombudsman (Akyikatchy) of the Kyrgyz Republic». Source: <http://www.ombudsman.kg/ru/lawbase/lawaboutombudsman.html>

<sup>89</sup>Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

<sup>90</sup>Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. P. 12. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731); Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>

In addition to the prosecution of separate members of the LGBT community, the cases of unauthorized intrusion of law enforcement authorities into the offices of LGBT organizations have been recorded. There were several occasions when LGBT organization «Labrys» was subjected to unauthorized intrusion; two cases required the participation of human rights defenders and lawyers. On June 4, 2006 and April 8, 2008, for example, during unauthorized intrusions, law enforcement authorities threatened to arrest anyone who was in the office of the organization without identity documents, threatened to rape people in the office, and demanded to see documents concerning the lease of the office<sup>91</sup>. A similar situation occurred in another LGBT organization operating in Kara-Balta city, when a police officer entered the office, beat up employees, and attacked the director of the organization, rendering him unconscious<sup>92</sup>. Other organizations working on sexual rights, torture and HIV prevention have reported similar intrusions<sup>93</sup>.

Cases of illegal detentions of LGBT and, consequently, illegal deprivation of liberty for a term of few hours to several days are frequent. Illegal detentions are carried out with violation of all prescribed standards under the pretext of identity disclosure. There are nine documented cases of detention and torture committed by public officials (financial police, government officials, law enforcement authorities) during the period 2010–2011. According to the data of PA «Kyrgyz Indigo», during 2009–2010, seven cases of violation of LGBT rights by law enforcement authorities for similar types of offenses were documented. In six out of seven cases, victims were threatened because of their lack of means to protect their rights. On the whole, members of the LGBT community do not believe in outside help and do not seek such<sup>94</sup>.

In most cases, the victims refuse to file complaints against law enforcement agencies and/or Prosecutor's office for fear of disclosure of their sexual orientation or gender identity by officials, or for fear of revenge by the offenders. In the rare cases such complaints are filed, members of the LGBT community face discrimination on grounds of sexual orientation or gender identity, as well as cruel, humiliating, and degrading treatment; often complaint are simply rejected<sup>95</sup>. Even if the complaint is accepted due to human right organizations' help, law enforcement agencies or prosecutors do not conduct thorough investigations, so the crimes committed against the LGBT community go unpunished.

## ■ Violations of LGBT rights, committed by other actors

According to the data of the LGBT organization «Labrys» on documentation of violations of LGBT rights during 2011–2012, offenses were also committed by other members of society (neither by relatives and nor law enforcement authorities, although these two categories of offenders make up the bulk). The organization registered 27 cases of offenses; these are mainly discharges on grounds of sexual orientation or gender identity, robbery, physical and sexual violence by ordinary citizens<sup>96</sup>. These offenses occur as a result of the general

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<sup>91</sup>Kyrgyzstan: Halt Anti-Gay Raids. Source: <http://www.hrw.org/en/news/2008/04/16/kyrgyzstan-halt-anti-gay-raids>; Police raid of the Labrys' space in Kyrgyzstan 2008 (video). Source: <http://www.youtube.com/watch?v=uHZIt8CD7sl&feature=plcp&context=C45e78b5VDvjVQa1PpcF0dr3emjvCfMd8tpPcMEdi09ZnddDSlw6w=>

<sup>92</sup>From the correspondence with the employees of PF «Gender-Vector»

<sup>93</sup>Report on Kyrgyzstan. 8th Round of the Universal Periodic Review – May 2010. P.1. Source: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1\\_UPR\\_KGZ\\_S08\\_2010\\_JointSubmission1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1_UPR_KGZ_S08_2010_JointSubmission1.pdf)

<sup>94</sup>According to data of PA «Kyrgyz Indigo»

<sup>95</sup>Report on Kyrgyzstan. 8th Round of the Universal Periodic Review – May 2010. P.1. Source: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1\\_UPR\\_KGZ\\_S08\\_2010\\_JointSubmission1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1_UPR_KGZ_S08_2010_JointSubmission1.pdf)

<sup>96</sup>Data of PA «Labrys» on the project «Through awareness to inclusion in Central Asia», implemented with financial support of Civil Rights Defenders (Sweden) in 2011–2012.

atmosphere of homo- and transphobia, which is aggravated, as mentioned in section 3 («Social situation on LGBT and factors, which play a role in changing the situation/stability of the current situation»), by homophobic attitudes in the media, taboo of the theme of sexuality and gender identity in general, and «invisibility» of LGBT communities in the society, thus creating and strengthening the existing negative stereotypes and prejudices against LGBT people and becoming one of the causes of crimes, motivated by hatred to the LGBT community.

#### ■ **Transgender people's situation**

Transgender people remain one of the most vulnerable groups in Kyrgyzstan due to high rates of unemployment, lack of state recognition of their identities and an unclear system of provision of medical services related to gender reassignment. The discrepancy of their official gender marker and their appearance makes them vulnerable to the law enforcement bodies and any state body where documents are required<sup>97</sup>.

#### ■ **The situation of lesbians, bisexual women and transgender people according to certain articles of CEDAW**

The Article 3 of CEDAW Convention requires States Parties «to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.» The right to privacy and bodily integrity play a key role in ensuring the development and advancement of a large group of women. A representative of the LBT group without a certain right to sexual and gender identity feels much greater inequality than most other groups of women. The third periodic review of the Republic of Kyrgyzstan does not have any mention of the rights of lesbian, bisexual women and transgender people which limits their «exercise and enjoyment of human rights and fundamental freedoms» to the commitments made in respect of CEDAW. The issues on lesbians, bisexual women and transgender people are absent in all public documents, making this group of women invisible to government programs, despite their vulnerable position in society.

The Article 11 of CEDAW Convention requires States Parties «to take all appropriate measures to eliminate discrimination against women in the field of employment...»<sup>98</sup> The Kyrgyz Republic does not meet the appropriate requirements of CEDAW in relation to lesbians, bisexual women and transgender people. Because of their sexual orientation and/or gender identity, many LBT people hold low-paid jobs which do not correspond with their qualifications. Kyrgyz laws do not include prohibition on employment discrimination on grounds of sexual orientation and/or gender identity. This allows for widespread pay discrimination against LBT women. PA «Labrys» registered the cases of discharges of LBT people from their places of work on grounds of sexual orientation and gender identity. Some LBT were cut off from social networks which are needed to find and ensure employment.

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<sup>97</sup>Report on Kyrgyzstan. 8th Round of the Universal Periodic Review – May 2010. P.1. Source: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1\\_UPR\\_KGZ\\_S08\\_2010\\_JointSubmission1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session8/KG/JS1_UPR_KGZ_S08_2010_JointSubmission1.pdf)

<sup>98</sup>Convention on the elimination of all forms of discrimination against women. Source: [http://www.un.org/ru/documents/decl\\_conv/conventions/cedaw.shtml](http://www.un.org/ru/documents/decl_conv/conventions/cedaw.shtml)

## 13. AWARENESS OF THE LGBT COMMUNITY ABOUT THEIR RIGHTS AND BEHAVIOR OF THE LGBT COMMUNITY AIMED AT THE IMPLEMENTATION OF THEIR RIGHTS

### ■ **General overview of the situation**

As compared to the beginning of the activity of LGBT organization «Labrys» and other partners, the overall awareness in 2012 of the LGBT communities of Kyrgyzstan of their rights has increased substantially. For example, if in 2004-2005 several dozen individuals were aware of their rights, then that number has now increased to several hundred. But awareness does not mean the willingness to actively protect the rights, even in cases of gross violations, both by society and by officials and/or law enforcement authorities. This indicates a lack of confidence among members of the LGBT community in Kyrgyzstan regarding equal protection by the law, which in turn leads to passive citizenship and a sense of «helplessness».

Note: it is rather difficult to calculate the exact involvement of LGBT in specific issues, given the fact that the total number of members of the LGBT community in Kyrgyzstan is unknown. Quantitative data, which are available in this section, are based on the data, available in PA «Labrys» according to the results of training sessions and other activities.

### ■ **The number and/or percentage of LGBT people who are aware of their rights, both in international treaties and national legislation**

During the period from 2006 to 2011 PA «Labrys» carried out a significant number of training sessions, workshops and activities for the LGBT community on human rights, and these were attended by several hundred members of the LGBT community. It does not seem possible to give accurate quantitative estimates.

### ■ **Percentage of LGBT people who are aware of violations of their rights**

It does not seem possible to give accurate quantitative estimates.

### ■ **The number of LGBT people whose rights have been violated by law enforcement agencies and other state actors, or within the family/society**

Although there is no summary information on all cases of violations of LGBT rights by law enforcement agencies, government authorities, society, family, proceeding from the existing data of the studies, conducted at different times by different organizations<sup>99</sup>, each respondent in these studies knows at least one person who experienced violence or whose rights were otherwise violated on grounds of their sexual orientation or gender identity. One lesbian in four of those surveyed in 2006 of PA «Labrys» experienced sexual violence<sup>100</sup>, while 65% of respondents of baseline survey, conducted by two Dutch organizations reported that they themselves were the victims of physical or sexual violence on grounds of their sexual orientation<sup>101</sup>.

<sup>99</sup>Everyday humiliations. Violence against lesbians, bisexual women and transgender men in Kyrgyzstan. 2008. Source: <http://www.hrw.org/en/reports/2008/10/06/these-everyday-humiliations-0>; Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731); Karagaplova I.V. Stories of gays and bisexual men. Kyrgyzstan 2009-2010. Bishkek, 2010.

<sup>100</sup>Labrys study, 2006.

<sup>101</sup>Van der Veer D. Kyrgyzstan: «country of human rights»... but not for homosexuals! COC Netherlands, HIVOS, 2004. P. 11. Source: [http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen\\_id=140](http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=140). P. 47-51.

- **percentage of LGBT, alleging violations of their rights in the past 10 months to LGBT organization**

During 10 months (from May, 2011 to February 2012), PA «Labrys» documented 48 cases of rights violations and discrimination against members of the LGBT community. Of these, 16 cases were human rights violations by law enforcement agencies. They include illegal detention, physical, sexual abuse, psychological pressure, threats of disclosure of sexual orientation, blackmail, extortion. There were ten cases of detention and torture committed by government officials (financial police, state officials, law enforcement agencies) during the period 2010-2011.

- **percentage of LGBT informed about whom to call/where to get help in case of violation of their rights**

There is no accurate quantitative data.

- **The number of cases of violation of human rights, which was reported to the police/authorities and/or the general human rights NGO/non-discrimination agency**

Since 2008, PA «Labrys» has filed four complaints of human rights violations and violence against LGBT people in Kyrgyzstan, bringing the cases to court. One of these four cases (2008) was rejected; the representatives of the Sverdlovsk RDIA did not qualify gang rape of a transgender woman as rape, but only as committing sexual acts, saying that only woman may be subjected to rape; the transgender woman was not a woman according to her passport. Two cases of human rights violations were successfully brought to court<sup>102</sup>.

Each year PA «Labrys» (and since 2011 similar data have been also provided by PA «Kyrgyz Indigo») provides data on cases of discrimination and/or hate crimes against LGBT people in Kyrgyzstan in OSCE's/ODIHR's Report on Hate Crimes in the OSCE Region. Since 2008, there were 7 cases filed. Although the number of hate crimes, discrimination and other violations of the rights of LGBT people significantly exceeds this figure, the report includes only some of the known cases due to time constraints in completing this report. As mentioned above, a large number of cases remain undocumented because of the lack of confidence of LGBT in any hope for improvement and distrust towards law enforcement agencies or fear of further violence/discrimination.

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<sup>102</sup>Cases of 2008 and 2010, documented by Labrys.

### **Availability of the rights protection system for LGBT**

Protection of the rights of LGBT people is increasingly improving each year, as compared with when PA «Labrys» established, when LGBT rights issues were not raised or were raised only in the context of HIV/AIDS prevention<sup>103</sup>. Today, at least two organizations from the existing eleven LGBT organizations and initiative groups of Kyrgyzstan provide services to the members of the LGBT community on the protection of rights in situations, where the offenses are committed on the basis of homo- and transphobia – these are PA «Labrys» and PA «Pathfinder». The activities of these organizations in the field of protection of LGBT rights ranges from promotion of the concept of equality of LGBT people in the public to the initiation of administrative and criminal cases regarding offenses based on homo- and transphobia, as well as funding of legal services in court hearings. PA «Labrys» and PA «Kyrgyz Indigo» also document violations of the rights of LGBT people in Kyrgyzstan in order to collect data which can be published at national and international levels as indicators of the observance of rights of LGBT people in Kyrgyzstan. This data is used to promote anti-discrimination legislation at national level as well as improve cooperation with law enforcement agencies, thereby improving the position of LGBT in Kyrgyzstan.

### **Awareness of civil servants (including police officials) on issues of sexual orientation and gender identity**

Since 2008, PA «Labrys» has been carrying out regular training sessions and workshops for civil servants, in particular for medical professionals of local, regional levels, graduates of the Academy of MIA, as well as for representatives of relevant ministries of the Government of the KR in order to increase awareness of the SOGI issues and problems/needs of LGBT people. Currently, the total number of participants of these training sessions and workshops is around 60. Unfortunately, there is no information about other trainings of such kind.

### **The level of knowledge of civil servants (including police officials) on the human rights of LGBT**

The general level of knowledge of civil servants (including police officials), based on the training sessions and workshops (and a preliminary assessment of the participants, conducted on a regular basis as part of the educational process), can be characterized as low. Negative stereotypes about members of the LGBT community prevail, there is open homo- and transphobia, based on ignorance or the above-mentioned stereotypes. In particular, graduates of the Academy of MIA, for whom PA «Labrys» conducted a workshop on SOGI issues and problems of LGBT people in Kyrgyzstan in 2009, spoke at the beginning of the workshop about their so-called «right» to humiliate and otherwise infringe on the rights of LGBT people, motivating by their perceptions that LGBT people are «perverted» people who by definition cannot be equal to «normal» people. However, at the final stage of the workshop, these participants expressed their regret about previously stated stereotypes, realizing the error of their judgments and accepting the theses of trainers of PA «Labrys» on the equality of all citizens of the KR, regardless of any kind of external or internal factors.

<sup>103</sup>Van der Veer D. Kyrgyzstan: «country of human rights»... but not for homosexuals! COC Netherlands, HIVOS, 2004. P. 11. Source: [http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen\\_id=140](http://www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=140)

### **The level of satisfaction of the LGBT community with professionalism of civil servants**

No surveys to measure the satisfaction of the LGBT community with the professionalism of civil servants have been conducted. However informal assessments, which have addressed this issue when developing training programs for medical specialists, were conducted by PA «Labrys». According to these estimates, more than 60% of the respondents were not satisfied with the professionalism of medical professionals, many of whom subjected their LGBT patients to degrading treatment or denied appointments. Also, the data of the ongoing project on documentation of violations of LGBT human rights show that many members of the LGBT community are often the victims of crimes by law enforcement agencies. As mentioned in Section 13, out of the 48 documented cases of human rights violations and discrimination, 16 were committed by law enforcement agencies.

### **Availability of legal aid to the LGBT people (not related to SOGI issues)**

Legal aid to the LGBT people on issues, not related to SOGI, is available on an equal basis with heterosexual citizens of the country. However, due to the difficult economic situation, many members of the LGBT community cannot afford the highly qualified legal aid.

### **Availability of specialized legal aid to the LGBT people (simultaneously)**

Specialized legal aid to the LGBT people is available and is provided for free by several LGBT organizations (PA «Labrys», PA «Pathfinder») and human rights organizations-allies («Youth Human Rights Group», PF «Adilet»). The information about the availability of such services is disseminated by email and the websites of these organizations. In particular, PA «Labrys» and PA «Pathfinder», as well as PA «Kyrgyz Indigo» are the main points of first contact for members of the LGBT community in need of specialized legal aid. These associations redirect and/or accompany requesting parties to partner organizations, which directly provide legal services.

### **Legal support for gender reassignment for transgender people**

For several years, PA «Labrys» in partnership with the Ministry of Health and a number of international organizations has been seeking approval of a formal system which would allow transgender people to change their identity documents. The result of the joint activity was a set of documents, which was agreed on with all ministries. On February 15, the Ministry of Health brought up the Draft Decree of the Government of Kyrgyz Republic «On sex change for people with gender identity disorders» to public discussion<sup>104</sup>.

The set of documents provides for the procedures, under which transgender people could introduce changes into the section «sex» after undergoing an procedure at the National Center for Mental Health, whose specialists have the right to issue standard medical certificates. In April, 2012 the KR Government Office returned the Draft Decree to the Ministry of Health for further improvement with the following formulation: the approval of this Draft Decree shall be reasonable after making changes to Article 38 of the Law «On protection of health of citizens of the Kyrgyz Republic» with regard to expansion of the definition of the procedure of changing and correcting sexual identity.

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<sup>104</sup>Draft decree of the Government of the Kyrgyz Republic «On sex change for people with gender identity disorders». Source: <http://www.gov.kg/?p=7149>

## 15. PREVALENCE OF HIV INFECTION

Kyrgyzstan is a country with a concentrated HIV epidemic. HIV prevalence among drug users is more than 5%, and according to the sentinel survey of 2010 amounts to 14.6%<sup>105</sup>. According to UNAIDS, the estimated number of people living with HIV is 9,800. The level of HIV prevalence among the adult population aged from 15 to 49 is 0.3% (0.2-0.5%), the estimated number of cases is 9,700<sup>106</sup>.

According to the latest sentinel survey (SS) of 2010, HIV prevalence among MSM is 1.1%. However, attention should be paid to the fact that according to SS of 2007, this figure made up 3.9%. Given the sample size of 77 people, this means 6 cases.

There are no data on HIV prevalence among WSW and transgender people. It is known from unofficial data that at least one transgender person is HIV-positive.

Chui province and Osh city in the Osh region are the most affected areas in the country. In the first case, the main driving force of the epidemic are dangerous drug use practices, in the second case, along with a dangerous drug use, the burden of the epidemic is aggravated by the outbreak of nosocomial transmission of HIV in 2008.

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<sup>105</sup>Global AIDS response progress reporting. Kyrgyz Republic. Reporting period: January, 2010 – December, 2011. Submission date: March 31, 2012 – Bishkek – March, 2012. – p.3

<sup>106</sup>UNAIDS, Kyrgyzstan. Source: <http://www.unaids.org/en/regionscountries/countries/kyrgyzstan/>

## 16. PREVALENCE OF STDS

During recent years, a twofold reduction in the incidence of syphilis (from 32.7 in 2006 to 16.5 per 100 thousand population in 2010) has been observed; however, the level of the disease remains high. Of 898 cases of syphilis, women make up 44.2%, while pregnant women make up 14.7%. In 2010, 1,035 cases of gonorrhea, of which 35% were women, were registered in the country.

More than half of patients with STIs are aged from 20 to 34 (syphilis - 62.9%, gonorrhea - 75.5%). Registration of congenital, late, and latent forms of syphilis indicates an inadequate registration of cases of STIs, which is associated with poor laboratory support in the regions of the country (except for Bishkek and Osh) and with irregular collection of statistical information. Thus, in 2010, 79.7% belonged to hidden forms of the disease, congenital syphilis was 1.7%. According to assessment of WHO experts during 2005-2007, the largest number of congenital syphilis in the CIS countries was registered in Kyrgyzstan (0.86-0.41 per 100,000)<sup>107</sup>.

According to SS of 2010, the level of prevalence of syphilis among MSM made up 5.7%. For the duration of SS, since 2004, the highest level of prevalence of syphilis was registered in SS in 2006 - 23%. According to data of SS in 2010, the prevalence of hepatitis C made up 6.8%. This was the highest rate for the duration of SS.

There are no data on the prevalence of STDs among bisexual women, lesbian, and transgender people.

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<sup>107</sup>The Ministry of Health of the Kyrgyz Republic brings up the draft decree of the Government of Kyrgyz Republic «On State program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016» to public discussion. Source: <http://www.gov.kg/?p=7522>

## 17. HIV INFECTION EFFECTS

Over the entire period of registration of HIV cases 539 PLH died, of which 194 people died from AIDS, including from tuberculosis - 90 (58%). A total of 673 people with TB/HIV co-infection were registered, of which 257 people died, including 194 died from tuberculosis<sup>108</sup>. The available sources do not give explanations about what share deaths from tuberculosis make up in the total number of deaths from AIDS by the end of 2011. There are no data on mortality among LGBT.

According to data of the official registration of the “AIDS” Republican Association not a single case of HIV is registered among men who have sex with men (MSM). Data on HIV among MSM were obtained only within SS. According to unofficial data, at least three cases of HIV infection among the LGBT community are known.

Adherence to ARV therapy is assessed as high: 116 (82%) of PLH receive antiretroviral therapy within 12 months after treatment assignment.

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<sup>108</sup>Global AIDS response progress reporting. Kyrgyz Republic. Reporting period: January, 2010 – December, 2011. Submission date: March 31, 2012 – Bishkek – March, 2012, – p. 8

## 18. PREVENTION: PRIMARY, SECONDARY AND TERTIARY (PROGRAMS OF PREVENTION, TREATMENT, CARE AND SUPPORT)

HIV prevention programs, targeting key population, started in the country in the late 90's with the support of UNDP. In 2004, when the HIV program began its work with the support of the Global Fund within the round 2 funding, the scale of preventive intervention began to expand.

It should be noted that the program documents of the country and of donors refer namely to prevention among MSM. Preventive interventions among the entire LGBT community were implemented only by PA «Labrys» within the 5-year PRECIS project with the support of COC. In 2010, the project was completed.

### Primary prevention

Currently, primary prevention programs<sup>109</sup> or, basically HIV prevention, are implemented in a given volume by the following community-based organizations: PA «Labrys», PA «Kyrgyz Indigo», PF «Gender-Vector» in Bishkek city and Chui province. NGO «Asman» and youth NGO «Info Centre Rainbow» in Talas in 2010 also implemented HIV prevention programs among MSM. In addition, the network non-governmental organization «Anti-AIDS Association»<sup>110</sup> supports by funds of the Global Fund the operation of shelter for MSM, whose program provides for HIV prevention. From 2009 to 2012 PSI implements the project «Dialogue on HIV and TB» with the support of USAID, targeting key population, including MSM. At the time of writing of the review, funding of organizations within the consolidated application to GFATM is not resumed.

Condoms and lubricants in the country are purchased by UNDP as Principal Recipient of the Global Fund grant. The organizations having funding with the GFATM receive and distribute protection means. Those organizations, which are not associated with GFATM programs, usually do not have condoms for distribution. Interaction of NGOs with UNDP is complicated enough.

Post-exposure prophylaxis is provided for by the National Protocol on HIV. However, we do not know any cases of people from the LGBT community applying for this. PEP is mainly focused on doctors.

### Coverage of MSM with HIV prevention programs

Due to the fact that the programs are mainly funded through GFATM grants, their figures are for the country as a whole. At the end of 2009, as detailed in a report on the progress of the program for the HIV component (Round 7), the coverage made up 1,714 MSM with the target value of 1000 people.

<sup>109</sup>In Kyrgyzstan, the terms of primary, secondary and tertiary prevention is almost never used. Usually they talk about programs on prevention, treatment, care and support in relation to HIV.

<sup>110</sup>AAA is a network organization, whose members are the NGOs, which implement target programs among key population. AAA is not a service organization, designed for the implementation of prevention programs themselves. However, the situation of intervention development has been seriously complicated after the transfer to UNDP of all components of GFATM programs, for which reason some organizations have to resort to activities that are not typical for them.

In terms of monitoring and evaluation of the 4th State Program, which is currently awaiting approval, the base value of the coverage in 2010 is 42%. This is the value according to the sentinel survey (SS), conducted in Bishkek in 2010. The amount and method of sampling is not specified in available documents, but during all previous years (since 2004), it there were from 77 to 101 respondents. Thus, 42% of coverage gives us an idea of how many MSM are reached by prevention programs in Bishkek city only.

It is also indicated in the state program that as of January 1, 2011, 1700 MSM were covered with prevention programs (Bishkek city - 700, Kara-Balta city - 700, Osh city - 300 MSM). Report on the program progress, submitted by UNDP as a new PR of the GFATM on December 22, 2011 within the consolidated program of 7 and 10 rounds for HIV component, does not contain any information on the results of programs among MSM at all. Target value of the coverage, which is planned to be achieved by June 30, 2012, makes up 450 people, and the base value for 2011 - 0 people. However, as of March, 2011, the database of Anti-AIDS Association (AAA) - the leading sub-recipient of GFATM grant in the direction of sex workers and MSM - contained data on coverage of 1656 MSM, formed from the coverage of the following organizations: Info-Center «Rainbow» (Osh city), NGO «Asman» (Talas town), PF «Gender-Vector» (Kara-Balta city), NGO «Kyrgyz Indigo» (Bishkek city), Shelter and outreach workers under AAA. It is obvious that with grant consolidation and change of Principal Recipient, succession between the programs has been lost. It can be assumed that achievements of HIV prevention programs among MSM have also been lost.

WSW and transgender people nationwide do not appear as participants in prevention programs at all. Only PA «Labrys» within the PRECISKG project implemented preventive intervention, generally targeting the entire LGBT community. At the end of the project of 2010, 216 people from the LGBT community enjoyed the support of PA «Labrys», including HIV prevention. Distribution by sub-groups was not conducted because there was no need at the time.

## Secondary prevention<sup>111</sup>

Voluntary counseling and testing programs are implemented for key population mainly through the referral system. Usually the clients of prevention programs get referrals from NGOs, where they come to get support, and go to take an HIV test at the nearest medical institution, more often these are AIDS Centers. It is assumed that before the testing they also receive counseling there. However, the practice shows that counseling in AIDS centers is just a formality and is confined to reading the informed consent form and signing it.

VCT programs for the LGBT community as such are not developed. Within the implementation of the Round 7, the organizations, which were implementing HIV prevention programs among MSM (from April, 2009 to March 31, 2011), provided a pre-test counseling to 152 MSM, of which 29 people were tested for HIV. Within the 4th state program for the stabilization of the HIV epidemic in the country, ensuring the availability of a three-step voluntary counseling on HIV prevention for MSM is envisaged: peer counseling, counseling on the basis of community centers, referral to professional counseling and HIV testing. To organize such a VCT model, standards of services, provided to MSM, will be developed through NGOs and state organizations. The three-stage model of counseling is developed by NGO «Tais Plus» during the development of prevention programs with sex workers. This model proved to be effective

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<sup>111</sup>In Kyrgyzstan, VCT is considered as a component of expanded package of prevention programs (see the Application of Kyrgyzstan for Round 7 funding).

due to the strong component of peer counseling in the field and on the basis of a community center.

### Indicators

- a. Percentage of women and men aged from 14 to 49, who were tested for HIV in the last 12 months and know the results: this indicator is not intended for countries with a concentrated epidemic. Kyrgyzstan does not report on this indicator;
- b. Percentage of MSM, who were tested for HIV and know the results: 42% (according to SS of 2010 in Bishkek city, the sample of less than 100 people, the method of sampling – snowball sampling or controlled by the respondents – there are no accurate data in the public sources);
- c. Kyrgyzstan also at the national level introduced modification of this indicator: Percentage of MSM, who were tested for HIV in the last 12 months, received full counseling and know the results. This indicator makes up 22% according to SS of 2009. Thus, it can be concluded that almost half of MSM got their results without having received full counseling. This is a serious breach of VCT protocol;
- d. Percentage of MSM, who were tested for STI and who know their results: such data are not collected. According to SS of 2010 it is known:
  - o Prevalence of syphilis among MSM - 5,7%;
  - o Percentage of MSM who received treatment with the STI symptoms - 50%.
- e. There are no data on HIV and STI testing by WSW and transgender people

### Tertiary prevention<sup>112</sup>

Program of treatment, care and support are implemented by state institutions and non-governmental organizations.

ART therapy is conducted in the Republic since 2005. In 2010, 2627 PLH underwent regular medical check-ups, of which available - 1074 (41%). 66 medical institutions in the country provide antiretroviral therapy services: treatment assignment, clinical observation. As of 1.01.2011, the ART treatment is received by 356 PLH, of whom 231 men and 125 women, adults – 219, children – 137, injecting drug users - 139. It was possible to achieve a high level of adherence to ART. Thus, 116 (82%) of PLH receive ART within 12 months after treatment assignment.

Care and support programs are implemented on the basis of non-governmental organizations, among which there are some community-based PLH organizations. 22<sup>113</sup> community-based/non-governmental organizations are registered in the country: they provide services to PLH, most of which are concentrated in Bishkek city, Chui province and Osh region (Bishkek - 8, Chui province - 4, Osh city/Osh region - 7, Jalal-Abad city - 1, Issyk-Kul - 1, Talas town - 1). But, those organizations that really provide help and support to the PLH community are less than 9. In 2006, only one organization was functioning, and in 2011 they were already 18. This growth largely occurred in Osh city and Osh region after the outbreak of nosocomial infection among children in Nookat region.

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<sup>112</sup>In our country, the activities prescribed by tertiary prevention, commonly referred to as the programs of treatment, care and support.

<sup>113</sup>In 2006, only one organization was functioning, and in 2011 they were already 18. This growth largely occurred in Osh city and Osh region after the outbreak of nosocomial infection among children in Nookat region.

**Indicators:**

- a. Percentage of adults and children receiving ART treatment of the estimated number of people in need of treatment: 17% (data of the UNGASS report, 2010);
- b. Percentage of HIV-infected adults and children who continue receiving ART after 12 months after its beginning: 82% (data of the UNGASS report, 2010);
- c. Percentage of MSM, WSW and transgender people with advanced HIV infection receiving ARV therapy: there are no data.

Studies, containing the issues of awareness and behavior of the LGBT community, include SS, which is conducted annually among MSM. Project-based studies were conducted among MSM at the start of the project «Dialogue on HIV and TB», funded by USAID<sup>114</sup>, also this section presents the results of the study on evaluation of LGBT access to health care services<sup>115</sup>, of the study of PA «Labrys» on assessment of needs of lesbians and bisexual women in 2007<sup>116</sup> and the results of the qualitative study of lifestyle and sexual practices of gays and bisexual men living in the Kyrgyz Republic, also conducted by PA «Labrys»<sup>117</sup>.

According to data of SS, the following information on MSM was registered in 2010 in Bishkek city (sample size of less than 100 people):

- a. Percentage of MSM who reported condom use at last anal sex with men - 70.5%;
- b. Percentage of MSM who correctly identify the ways of preventing the sexual transmission of HIV but at the same time reject major misconceptions about HIV transmission - 76%.

According to data of SS of 2008 it is known that 82% of respondent MSM reported having had 2 or more partners in the past three months.

The data of the study within the project «Dialogue on HIV and TB» were collected in 2010. MSM who were at that time in Bishkek city and Chui province were interviewed. The sample size was 205 people. Respondents were collected by means of sampling built by the respondents themselves.

- a. Percentage of MSM who reported condom use at last anal sex with men - 47.8%, which is significantly lower than the data of SS (70.5%);
- b. Presence of casual partners in the last 12 months - 81%;
- c. Awareness: 98.5% of respondents report that HIV is transmitted through semen, at the same time 90.7% of respondents say that they can get HIV by sharing eating utensils or food with an infected person. These data come into serious conflict with the data of SS on knowledge. This suggests that the respondents that participated in SS, are quite different from the general population, and probably due to long and close contact with HIV prevention programs, have such a high level of awareness. It can be assumed that during SS, sampling methodology is broken.

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<sup>114</sup>Overview. Continuous monitoring of the results (TRAC). PSI data panel. Kazakhstan, Kyrgyzstan, Tajikistan (2010): TRAC study on TB and HIV issues among men who have sex with men in Almaty, Bishkek, Chui province and Dushanbe. Round 1. Source: [http://www.dialogueproject.org/download/MSM\\_KZ%20KG%20TJ\\_TRaC%20Summary%20Report\\_Round%201\\_RUS.pdf](http://www.dialogueproject.org/download/MSM_KZ%20KG%20TJ_TRaC%20Summary%20Report_Round%201_RUS.pdf)

<sup>115</sup>Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731)

<sup>116</sup>The report was not published

<sup>117</sup>Karagapolova I. Stories of gays and bisexual men. 2009-2010. – Bishkek, 2010. Source: <http://labrys.kg/index.php?show-post=140>

In 2009-2010, PA «Labrys» performed a qualitative study of lifestyle and sexual practices of gay and bisexual men living in the Kyrgyz Republic. The number of respondents who participated in the study made up 30 people, 15 of them are from Bishkek, and the remaining 15 are from the areas of the country. 9 out of 30 respondents reported that they always use a condom during anal intercourse<sup>118</sup>. The results of the qualitative study of a small sample cannot be compared with the results of quantitative researches, but at the same time they reflect the tendency, which differs from the results of SS and suggests that the level of condom use is much lower than the data, presented in most national sources (for example, the original values of the indicators of the monitoring and evaluation plan of the last state of the program<sup>119</sup>).

In 2006, the Soros Foundation-Kyrgyzstan and OSI SHARP program conducted a study to assess the LGBT access to health care system<sup>120</sup>. During the study, the issues on awareness and behavior in the context of HIV were also discussed. This is practically the only study that involved all sub-groups of the LGBT community in several cities of the country.

Sample size:

1. 49 MCM (Osh city, Bishkek city, Jalal-Abad city): interview + 3 MCM from Bishkek and Jalal-Abad: in-depth interview;
2. 1 transgender woman: structured questionnaire;
3. 48 WSW: structured interview (Bishkek city);
4. 6 transgender men: structured interview (Bishkek city);
5. Focus groups: 10 MCM, 4 WSW, 5 transgender men and 1 transgender woman.

Total: 62 MCM, 48 WSW, 13 transgender people.

20%<sup>121</sup> of respondent WSW and transgender men reported having had sex with men in the past six months; out of that number 50% reported that they used condoms. For those who had sex with a man under the influence of alcohol, the level of condom use is lower. 25.9% of WSW and transgender men reported that they had ever been the victims of coercive sex in their life; of them 66.7% said that the violence was committed by men.

Despite the fact that 82% of respondents acknowledge that there is an STI risk during sexual intercourse between women, only 9.3% of WSW and transgender men said they always use the same type of protection during sexual penetrative act with a female partner; 46.3% said they did not use protection means. Only 19% of those who have ever used any types of protection means, used a latex tissue or a condom. Most respondents reported that, in order to avoid STIs, they observe basic hygiene rules (76.2% said they wash their hands).

PA «Labrys» in 2007 conducted a study to assess the needs of lesbians and bisexual women. The study provides the following data on the level of alcohol consumption (sample size makes up 85 people): 9 out of 10 respondents drink alcohol, one-third consume alcohol several times a week, two-fifths drink with

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<sup>118</sup>Karagapolova I. Stories of gays and bisexual men. Kyrgyzstan 2009-2010. Bishkek, 2010. – p. 63. Source: <http://labrys.kg/index.php?show-post=140>

<sup>119</sup>National plan of monitoring and evaluation of the implementation of the State program for the stabilization of the HIV epidemic in the Kyrgyz Republic for 2012-2016. – p. 3. Source: <http://www.gov.kg/?p=7522>

<sup>120</sup>Access to Health Care for LGBT People in Kyrgyzstan. Project report «Sexual health and rights». Soros Foundation-Kyrgyzstan. P. 12. Source: [http://www.soros.org/initiatives/health/focus/sharp/articles\\_publications/publications/kyrgyzstan\\_20070731](http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/kyrgyzstan_20070731)

<sup>121</sup>The report presents percentages, despite the fact that the sample size is less than 100.

a frequency of several times a month. Two-thirds of them reported that they use medium strength alcohol, one fourth consumes strong drinks, and two-fifths consume drinks with low alcohol content.

Participants of the qualitative study of lifestyle and sexual practices of gays and bisexual men reported the following on the practice of drinking alcohol: 27 out of 30 people use alcohol, 17 people are doing this, on average, two times a week. 9 people prefer drinking strong alcoholic beverages. For eight men alcohol is a factor that reduces anxiety and a habitual way of relieving stress in a psycho-traumatic situation. Ten men reported that alcohol makes them feel more relaxed in a dating situation or at the beginning of a sexual relationship with a new partner<sup>122</sup>.

## 20. AVAILABILITY AND ACCESS TO HEALTH CARE SYSTEM FOR THE LGBT COMMUNITY

Access to health care services is ensured through the building of a referral system with the existing friendly services, organized within HIV prevention programs. Also, the organizations try to build partnerships with medical institutions, which are not involved in HIV programs. PA «Labrys» efficiently build relationships with endocrinologists and specialists of the National Center for Mental Health to ensure access of the transgroup to needed care.

The experience of regional travels of PA «Labrys» demonstrates that multidisciplinary doctors are ready for the dialogue and provision of friendly support with the appropriate level of communication on the part of the community and with the appropriate level of training for health care workers.

If LGBT turn themselves to general healthcare networks, the risk to face discrimination and negative attitudes is very high.

## CONCLUSION

The analysis of available sources shows that there is a significant gap in the description of the LGBT community. The majority of reports focus on MSM in the context of preventive interventions, but the picture presented in these documents, has a number of serious limitations. Practically nothing is known about men who lead a double life and do not want to be associated with open gays. Little is known about male ethnic Asians and male sex workers.

The group of lesbians, bisexual women and transgender people is not systematically described at all. Single sources, which were used for the drawing-up of this review, provide a fragmentary presentation of LBT.

Also, most of the available sources differ by narrow orientation and focus on the HIV topic. The only national study, in which a holistic approach was used, is the qualitative study of lifestyle and sexual practices of gays and bisexual men living in the Kyrgyz Republic, conducted in 2009-2010 by PA «Labrys». Despite the fact that the reports of R. Oostvogels (1997, 2005) focus on the evaluation of HIV prevention programs among MSM, they contain a significant number of valuable observations and recommendations which should be taken into account when planning programs targeting the LGBT community as a whole.

It is obvious that the documents of the national level (an example could be the last State program for the stabilization of HIV infection) do not always consider the results of research. For example, the task of HIV prevention among MSM does not contain a number of important strategies for intervention which are have been recommended. Despite the fact that the program will be approved in the near future, this state of things should be one of the areas of advocacy.

