

# Kyrgyzstan introduced a new bill pathologising and coercively normalising trans people

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## Contents

[Summary](#)

[Recommendations](#)

[European Union and International Donors](#)

[United Nations and International Human Rights Mechanisms](#)

[Global and regional advocacy organisations](#)

[About TGEU](#)

[Existing conditions](#)

[Explanatory Note of the Draft Law](#)

[Draft Law Content](#)

[Recorded biological sex](#)

[Legal gender recognition ban](#)

[Medical interventions ban](#)

[Children's Rights](#)

[Family Law](#)

[Abbreviations](#)

## Summary

TGEU - Trans Europe and Central Asia calls for the withdrawal of the draft law in Kyrgyzstan and urges lawmakers to refrain from adopting provisions that violate human rights.

On 30 January 2026, a draft law<sup>1</sup> titled “*On Amendments to the Legislative Acts of the Kyrgyz Republic*” was submitted for public discussion by MP Marlen Mamataliev<sup>2</sup>.

The draft law introduces a binary definition of sex, directly targets trans people, while also broadly affecting women, children, intersex people, and other groups. Although it does not define any clear or coherent model of “correct” bodies, sex and gender, family, or behaviour, it effectively marginalises anyone who does not conform to an implied and state-enforced norm.

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<sup>1</sup> <https://kenesh.kg/ru/bills/public/4453>

<sup>2</sup> Mamataliev Marlen Abdyrakhmanovich ([m.mamataliev@mail.ru](mailto:m.mamataliev@mail.ru)): <https://kenesh.kg/deputies/449>

The draft proposes amendments to the Family Code of the Kyrgyz Republic, the Law of the Kyrgyz Republic “On Civil Status Acts,” and the Law “On Public Health of Citizens in the Kyrgyz Republic”, including:

- **Ban on changing gender marker in official documents:** only biological characteristics recorded at birth are recognised; medical and judicial grounds are excluded.
- **Ban on medical interventions** (surgical procedures, hormone therapy): only allowed for “congenital anomalies,” which pathologises intersex bodies and legitimises non-consensual interventions.
- **Children:** prohibition of any actions affecting “sex<sup>3</sup> self-awareness,” with parental duty to raise the child strictly according to their “biological sex,” excluding individual assessment of best interests and autonomy.
- **Family law:** restrictions on marriage and parenthood based on biological sex; same-sex marriage is prohibited, and parenthood is strictly defined as “mother means woman” and “father means man.”

Adoption of this draft law will have devastating consequences for trans people in Kyrgyzstan, as overnight their identities will become invalid. The complete ban on legal gender recognition and restrictions on access to medical care would increase discrimination against trans people in employment, housing, education, and healthcare, escalate violence, force the disclosure of private information, and cause mental and psychological harm, particularly among minors.

The draft law, in particular its vague prohibitions and linking of legal status to ‘biological sex,’ creates significant corruption risks by expanding the discretion of officials in issuing documents, accessing services, and conducting inspections. This creates conditions for extortion, informal ‘bargaining’ in educational, medical and social institutions, selective application of norms and the development of shadow intermediary practices, undermining trust in state institutions and exacerbating everyday corruption.

**The draft law introduces state-imposed, coercive normalisation, amounting to institutional violence against trans and intersex people. It creates a high risk of discrimination and violence and violates human rights, the Constitution of the Kyrgyz Republic, and the state’s international obligations.**

Activists<sup>4</sup> warn that if all procedural steps follow the expected timeline, the draft could be adopted by the beginning of April 2026.

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<sup>3</sup> here also: gender

<sup>4</sup> This policy brief is based on a draft law with appendices, and analysis prepared by ECOM and local activists.

## Recommendations

### European Union and International Donors

- Urge Kyrgyz parliamentarians, especially the initiator, Mamataliev Marlen Abdyrakhmanovich, to withdraw the draft law and refrain from adopting any legislative measures that restrict the rights of trans, intersex, and gender-diverse people.
- Engage the Government of Kyrgyzstan on the draft bill, highlighting its human rights risks and linking compliance to continued GSP+ trade preferences.
- Highlight the draft law's risk to economic agreements under the EU-Central Asia Summit in Samarkand, international funding, and bilateral relations, due to non-compliance with human rights standards.
- Review and restructure your policies and programmes in Kyrgyzstan to make sure that they are human rights-based and prioritise the most vulnerable communities, especially trans people.
- Provide platforms and funding for civil society organisations to monitor, report, and advocate against the discriminatory measures in the draft law.

### United Nations and International Human Rights Mechanisms

- Request the government to ensure all legislation respects Kyrgyzstan's obligations under the Constitution, ICCPR<sup>5</sup>, ICESCR, CEDAW, CRC, CAT, and other relevant treaties, including the right to privacy, health, autonomy, and freedom from discrimination.
- Use UN review mechanisms to pressure the Kyrgyz government:
  - CAT (2026-2027): Request information on measures to prevent arbitrary detention, ill-treatment, or coercive practices against trans people, especially trans women, in detention and public institutions.
  - CEDAW (2026-2027): Ask the Kyrgyz government how it ensures trans and intersex women's equal access to family law, healthcare, education, and protection from discrimination.
  - UPR (mid-2028): Encourage these mechanisms to raise targeted questions and concerns regarding the draft law's potential impact on human rights.

### Global and regional advocacy organisations

- Publicly condemn the initiation and the content of the draft law.

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<sup>5</sup> See Abbreviation section below

- Stress that the draft law violates the rights of children to autonomy, identity, dignity, education, and healthcare, and undermines the principle of the child’s best interests.
- Remind lawmakers that the possibility of changing legal documents exists in countries with a wide variety of customs, traditions, and cultures, including those which are geographically and culturally close to Kyrgyzstan, such as Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Latvia, Lithuania, Moldova, Ukraine, Estonia, Iran, China, and Mongolia<sup>6</sup>.

## About TGEU

TGEU (Trans Europe and Central Asia) is a trans-led NGO working for the rights and well-being of trans people since 2005. TGEU is an umbrella organisation representing over 250 member organisations in more than 50 countries across Europe and Central Asia.

## Existing conditions

In Kyrgyzstan, lesbian, bisexual and queer women, 82.4%<sup>7</sup> reported experiencing discrimination or violence, alongside increasing reports of conversion therapy and forced marriage. Access to justice remains severely limited: only 37.5% of trans people and sex workers reported access to legal protection, while 50% reported having none, citing fear of outing, distrust of lawyers, and discrimination. The adoption of discriminatory laws in 2023–2024, including the legislation “on foreign representatives” and “on harmful information for children,” has already significantly worsened conditions for LGBTI communities.<sup>8</sup>

## Explanatory Note of the Draft Law

The explanatory note of the draft claims that the practice of trans people changing documents supposedly “not only lacks historical and cultural roots in Kyrgyz society but also carries systemic risks for demographic policy, public morality, national security, and sustainable development of the state.” The note even references sports, claiming that “biological men could compete in women’s categories.”<sup>9</sup>

The note justifies rights restrictions under the guise of protecting national security and development, actively using anti-gender messaging and scapegoating trans people.

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<sup>6</sup> <https://transrightsmap.tgeu.org/home/>; <https://database.ilga.org/legal-gender-recognition>

<sup>7</sup> Need assessment report of key populations in Kyrgyzstan, Kyrgyzstan, 2024

<sup>8</sup> Queer people in Kyrgyzstan and the Sustainable Development Goals, Kyrgyzstan, 2025

<sup>9</sup> At the same time, an international team of researchers from Brazil has found no evidence in a comprehensive analysis of 52 scientific studies with a total of 6,485 participants that transgender women have physical advantages over cisgender women in sports after gender-affirming hormone therapy: <https://bjsm.bmj.com/content/60/3/198>

The 11th revision of the International Classification of Diseases (ICD-11), recommended for adoption (including by the CESCR<sup>10</sup>), and gradually being implemented in Kyrgyzstan<sup>11</sup>, recognises the category of “Gender Incongruence” (HA60/HA61), ensuring trans people access to gender-affirming healthcare and appropriate coverage under health insurance.

Additionally, Kyrgyzstan is obliged to regulate law in accordance with scientific advances (Article 15 ICESCR). The CESCR clarifies that states must promptly eliminate discrimination, including on the basis of gender identity, pay special attention to trans people as a group facing systemic discrimination, and prevent any restrictions on access to scientific knowledge and its practical application.

The explanatory note claims goals of protecting family and demographic security, but provides no evidence linking document changes or medical care to such threats, especially given the extremely small trans population. Kyrgyzstan’s international obligations require protection of family relationships involving trans people: the CEDAW Committee confirms that principles of equality and fairness in the family extend to all women, including trans and intersex women.

The draft’s justification for banning changes to gender markers relies on abstract, hypothetical risks and abuses across various sectors<sup>12</sup>. These do not constitute legitimate grounds for restricting rights, are unsupported by data, and ignore less restrictive measures. At the same time, Kyrgyzstan’s international obligations clearly require protection of rights and nondiscrimination, including for trans people: CESCR requires non-discrimination in cultural life and sports, including based on gender identity, while CEDAW and CRC recommend measures to protect trans people’s rights and safety, including in detention.

## Draft Law Content

### Recorded biological sex

The draft law defines a person’s sex **solely based on biological (anatomical and genetic) characteristics recorded at birth** in the civil registry.

This continues the global trend toward the enforcement of binary gender, increasingly observed in different countries in Europe and Central Asia, aimed at deliberate and automatic discrimination against and erasure of trans, non-binary, and intersex people, denying them legal recognition and protections. Moreover, it is not scientifically valid, as variations in sex characteristics are frequently observed and well-documented and do not follow the logic of strict binary sexes.

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<sup>10</sup> E/C.12/MNG/CO/5, para. 19

<sup>11</sup> According to a statement by the First Deputy Minister of Health of the Kyrgyz Republic, Aibek Matkerimov, at a session of the Jogorku Kenesh committee held on 10 February 2026,

<https://open.kg/news/health/70747-minzdrav-gotov-peresmotret-klassifikaciju-redkih-zabolevanii.html>

<sup>12</sup> These include the prevention of abuses and risks in the areas of family law, justice and the execution of punishments, military service, crime prevention, sports, as well as maintaining the stability of state registries and record-keeping

## Legal gender recognition ban

The draft introduces a **complete ban on changing gender marker** in civil registry documents, excluding medical or judicial grounds, which directly contradicts the Constitution of Kyrgyzstan<sup>13</sup> and the country's international obligations: ICCPR, ICESCR, CEDAW, CRC, and CAT, including rights to privacy, non-discrimination, autonomy, self-determination, legal recognition of gender identity, dignity, and confidentiality.

## Medical interventions ban

It also **bans medical interventions - surgical procedures and hormone therapy** - aimed at changing a person's sex (transgender transition), allowing exceptions only for "congenital anomalies," which directly violates the Constitution<sup>14</sup> and international obligations<sup>15</sup>. The term "treatment of congenital sex anomalies" refers to intersex variations, pathologising bodies and legitimising unconsensual, harmful surgeries on intersex children, stripping them of agency and forcing conformity to a binary physical standard.

## Children's Rights

The draft includes **provisions affecting a wide range of children's rights**, including dignity, personal integrity, health (including mental health), education and access to information, non-discrimination, identity, and the principle of the child's best interests:

- *"For minors<sup>16</sup>, any actions aimed at changing their sex<sup>17</sup> self-awareness or shaping ideas about the possibility of changing the sex recorded at birth are prohibited, including medical, surgical, and psychological interventions. Parents (or guardians) are obliged to raise children according to their biological sex."*
- *"Parents are obliged to raise the child according to their biological sex assigned at birth and take all measures to protect their physical and mental health, including from interventions aimed at changing sex."*

This creates a legally uncertain ban on 'any actions' that could be considered altering sex/gender self-awareness or shaping ideas about sex/gender change, while simultaneously imposing a parental duty to raise children strictly according to "biological sex," excluding

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<sup>13</sup> The right to non-discrimination (Article 24), the right to privacy (Article 29), and the right to health (Article 43), human and civil rights and freedoms are recognised and guaranteed in accordance with universally recognised principles and norms of international law, as well as international treaties that have entered into force in accordance with the procedure established by law and to which the Kyrgyz Republic is a party (Article 55).

<sup>14</sup> The right to non-discrimination (Article 24), human and civil rights and freedoms are recognised and guaranteed in accordance with universally recognised principles and norms of international law, as well as international treaties that have entered into force in accordance with the procedure established by law and to which the Kyrgyz Republic is a party (Article 55).

<sup>15</sup> See, for example: *G. v. Australia* (CCPR/C/119/D/2172/2012), para. 7.12; *Savolainen v. Russian Federation* (CCPR/C/135/D/2830/2016), para. 7.15; *Krikerik v. Russian Federation* (CCPR/C/137/D/2992/2017), para. 9.8; CESCR General Comment No. 20 (2009), para. 32; CEDAW General Recommendation No. 25 (2010), para. 18; CEDAW General Recommendation No. 32 (2014), para. 6.

<sup>16</sup> Unofficial translation

<sup>17</sup> Here also 'gender' by meaning

individual assessment and prioritisation of the child’s best interests and developing autonomy<sup>18</sup>.

## Family Law

The draft proposes amendments to the Family Code restricting access to marriage and legal parenthood, prohibiting same-sex marriage, and defining parenthood strictly as “mother = woman” and “father = man.” These changes, again based on formal “biological sex” criteria, establish legal discrimination in marriage and family law, incompatible with constitutional guarantees of equality and protection of private and family life, and with international standards (CEDAW and ICCPR) requiring equal legal protection of trans and intersex people and their families and removal of discriminatory barriers in marriage and family relationships.

The Family Code of Kyrgyzstan already defines marriage as an equal and voluntary union between a man and a woman. The proposed amendments could further restrict access to marriage by creating additional barriers for marriages between cisgender and transgender persons, including in cases where a trans person has previously obtained legal gender recognition and updated their identity documents.

The bill introduces amendments to the Family Code obliging parents to raise their children in accordance with their “biological gender.” This provision significantly expands state control over family life and legitimises state interference in parenting decisions. It is also likely to negatively affect any form of public advocacy or mutual support by parents of trans children, effectively silencing one of the few existing sources of familial support for trans people in Kyrgyzstan.

## Abbreviations

- CAT – Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CCPR – International Covenant on Civil and Political Rights
- CESCR – Committee on Economic, Social and Cultural Rights
- CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women
- CRC – Convention on the Rights of the Child
- ICCPR – International Covenant on Civil and Political Rights
- ICESCR – International Covenant on Economic, Social and Cultural Rights
- KR – Kyrgyz Republic
- UPR – Universal Periodic Review

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<sup>18</sup> This directly contradicts Article 27 of the Constitution of the Kyrgyz Republic and Kyrgyzstan’s international obligations, in particular Articles 3 and 12 of the CRC, and it directly restricts children’s rights to non-discrimination (Article 2 CRC; Article 24 Constitution of the KR), identity (Article 8 CRC), respect for private life and dignity (Article 16 CRC; Article 29 Constitution of the KR), health and access to medical and psychological care (Article 24 CRC; Article 43 Constitution of the KR), access to information (Article 13 CRC; Article 33 Constitution of the KR), and education aimed at personal development and respect for human rights (Articles 28–29 CRC; Article 46 Constitution of the KR).