

**Mandates of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**

Ref.: AL KGZ 5/2025  
(Please use this reference in your reply)

26 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the situation of human rights defenders and Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolutions 51/21, 52/4 and 50/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged denial of the enjoyment of the human rights of a **trans woman and civil activist (██████████) in Kyrgyzstan, including her rights to freedom of expression, a fair trial, freedom from arbitrary detention and torture or other ill-treatment, and freedom from discrimination based on any status, including political opinion, sexual orientation or gender identity.**

According to the information received:

On the night of 11 April 2025, in Osh city, a man in civilian clothing came to the apartment of activist ██████████. Claiming to be a neighbor, he complained about a water leak. When ██████████ opened the door, he and a second man, allegedly officers of the State Committee for National Security (SCNS) and the Osh City Department of Internal Affairs (ODIA), forced their way into the apartment. They photographed her, and questioned her about her personal life, her neighbors ██████████. They allegedly demanded her passport and warned her to "be careful".

Later in the same night, ██████████. Approximately 30 minutes after they arrived, 10 to 15 men in civilian clothing – including five masked individuals – burst into the flat. The men, believed to be officers of the State Committee for National Security, reportedly shouted, "Get down on the floor" and "Who are you to be against Zhaparov?" They allegedly used force to arbitrarily detain the women, twisting their arms and dragging them across the apartment floor. ██████████ was then taken to the Osh City Department of Internal Affairs, the temporary detention isolator of the Ak-Buura District Department of Internal Affairs, and to health facilities, where she was subjected to forced medical examinations, including a non-consensual anal examination and an HIV test. Upon being returned to the temporary detention isolator, ██████████

[REDACTED]

When [REDACTED] was taken to the ODIA, she was fingerprinted, photographed and subjected to insults by ODIA officers, who asked her personal and degrading questions. She repeatedly requested permission to inform her close contacts of her detention and asked several times for access to a lawyer, but her requests were ignored. Her request to make a phone call was also denied.

Around 6 a.m. on Saturday, 12 April 2025, [REDACTED] was again transferred to the temporary detention isolator of the Ak-Buura District Department of Internal Affairs. There, police officers aggressively questioned her, asking whether she respected President Zhaparov and the laws of Kyrgyzstan. Intimidated by the officers, she replied affirmatively. [REDACTED] refused to answer further questions without a lawyer. She was then handed over to another investigator – who did not identify himself – and who continued to interrogate her in an aggressive manner. He reportedly asked personal, intrusive and degrading questions, including about [REDACTED]. During her detention at the temporary detention isolator, a man in civilian clothing allegedly demanded that [REDACTED] wear men’s clothing, shave her head, and answer invasive questions about her sexual preferences.

That night, a district police officer forced [REDACTED] to sign a protocol alleging the commission of an offence, without explaining the grounds for the accusation, informing her of the reason for her detention, or providing a formal record of the detention. When [REDACTED] initially refused to sign the protocol, the officer raised his voice and began shouting obscenities. She ultimately signed the protocol under duress, as a result of physical and psychological exhaustion. She was again returned to the ODIA, where she was photographed and videotaped.

On 13 April 2025, after reportedly being held arbitrarily and denied access to a lawyer both during her detention and at her court hearing, [REDACTED] was sentenced to five days of administrative arrest for “petty hooliganism,” for using foul language in public. Following her release, she continued to be followed and threatened by individuals believed to be law enforcement personnel.

Without wishing to prejudge the accuracy of the information received, we wish to express our serious concern that the facts, as alleged may be in contravention of the human rights of all persons to freedom from torture and other cruel, inhuman or degrading treatment or punishment; liberty and security of person; physical integrity; the highest attainable standard of physical and mental health; a fair trial; and non-discrimination in relation to the enjoyment of all of those human rights, as provided by, *inter alia*, articles 2, 3, 5, 7, 9, 10 and 12 of the Universal Declaration of Human Rights (UDHR), articles 2, 7, 9, 10, 14, 17, and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which the State is party since 1995 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which the State is party since 1997.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal grounds for the arrest and detention of the persons mentioned above, allegedly without a search warrant or evidence of any criminal wrongdoing and explain how these measures are compatible with Kyrgyzstan's international human rights obligations.
3. Please provide the details, and where available the results, of any investigation carried out in relation to the allegations of arbitrary arrests, detention, torture, and ill-treatment of the persons in this case on the basis of their sexual orientation and/or gender identity.
4. Please provide detailed information on measures taken to protect the human rights of all persons, including civil activists and human rights defenders, without discrimination on the basis of their real or perceived sexual orientation or gender identity, including with regard to their rights to liberty and security of person, to be free from torture and other ill-treatment, to privacy, and to be protected against arbitrary detention, among others.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable  
standard of physical and mental health

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Graeme Reid  
Independent Expert on protection against violence and discrimination based on sexual  
orientation and gender identity

## Annex

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to articles 2, 7, 9, 14 and 26 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Kyrgyzstan on 7 October 1994.

Article 2(1) of the ICCPR and article 2(2) of the International Covenant on Economic, Social and Cultural Rights (to which Kyrgyzstan acceded on 7 October 1994) both oblige each State Party to respect and ensure the rights enumerated in those Covenants without distinction or discrimination "of any kind" as to "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". This prohibition on discrimination in relation to all Covenant rights is also underscored by article 26 of the ICCPR, which provides: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law," based on any of those prohibited grounds.

The Human Rights Committee emphasized that States have a legal obligation to ensure everyone the right recognized by the ICCPR without discrimination on the basis of sexual orientation or gender identity (CCPR/C/GC/35, paragraph 3). As elaborated in general comment No. 20 of the Committee on Economic Social and Cultural Rights, "other status" as provided by the ICCPR and ICESCR also includes sexual orientation and gender identity among the prohibited grounds of discrimination in relation to the obligation of States to respect, protect and fulfil all human rights in the twin Covenants.

On the basis of international human rights norms and standards and the work of the UN human rights treaty bodies and special procedures, in 2015 the UN High Commissioner for Human Rights emphasized that States have an obligation to, among other things, revise criminal laws to remove offences relating to consensual same-sex conduct and other offences used to arrest and punish persons on the basis of their sexual orientation and gender identity or expression; protect individuals from violence, torture and discrimination based on their sexual orientation and gender identity; provide redress to victims; and, provide training to law enforcement personnel and judges on gender-sensitive approaches to addressing violations related to sexual orientation and gender identity. In addition, the High Commissioner for Human Rights recommended that States ensure that anti-discrimination legislation includes sexual orientation and gender identity among prohibited grounds (A/HRC/29/23, para. 78 and 79).

As provided for under article 7 of the ICCPR, and under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Kyrgyzstan acceded on 5 September 1997, States have the obligation under international law to prohibit, prevent and provide redress for torture and ill-treatment in all contexts of State custody or control, investigate such acts, and bring perpetrators to justice (CAT/C/GC/2, 2008, at para. 15).

As previously stated by the UN Special Rapporteur on Torture, "Humiliating and invasive body searches may constitute torture or ill-treatment [...]. In States where homosexuality is criminalized, men suspected of same-sex conduct are subject to non-consensual anal examinations intended to obtain physical evidence of homosexuality, a practice that is medically worthless and amounts to torture or ill-treatment"

(CAT/C/CR/29/4).

The UN Working Group on Arbitrary Detention has also maintained that: “forced anal examinations contravene the prohibition of torture and other cruel, inhumane and degrading treatment, whether [...] they are employed with a purpose to punish, to coerce a confession, or to further discrimination” (A/HRC/16/47/Add.1, opinion No. 25/2009).

Article 9 of the ICCPR, which guarantees the right to personal security, refers to protection against physical or psychological injury, or physical and moral integrity, and obliges States Parties to adopt appropriate measures to protect individuals from foreseeable threats. against his life or physical integrity coming from any state or private agent. As the Human Rights Committee has stressed in its general comment 35, States parties must respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders or violence against people based on their sexual orientation or gender identity.

Article 14 of the ICCPR provides that “everyone has the right to a fair and public hearing by an independent and impartial tribunal established by law.” Article 14(3) of the ICCPR provides a set of procedural guarantees that must be made available to persons charged with a criminal offence, including the right of accused persons to have access to, and communicate with, a counsel of their own choosing.

Given that the victim is a transgender woman, we also refer to article 4(b) of the UN Declaration on the Elimination of Violence against Women, which stipulates that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women, including on the basis of their gender-identity.

In this spirit, we would like to remind your Excellency’s Government that in its general recommendation No. 35 (2017) on gender-based violence against women, the Committee on the Elimination of Discrimination against Women clarified that, under the Convention and general international law, a State party is responsible for acts or omissions of its organs and agents that constitute gender-based violence against women in all their diversity, which include the acts or omissions of officials in its executive, legislative and judicial branches. Kyrgyzstan acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 10 February 1997.

Furthermore, we would like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (also known as the UN Declaration on Human Rights Defenders), adopted on 9 December 1998. Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms. In particular, we would like to bring to the attention of your Excellency’s Government the provisions contained in article 12(2) and (3), which provides that the State shall take all necessary

measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

In this connection, I would like to refer your Excellency's Government to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health report to the General Assembly on right to health and informed consent (A/64/272), where he states that successful HIV/AIDS testing is underpinned by conditions of counselling, informed consent and confidentiality. International guidelines recommend that public health legislation demand that HIV/AIDS testing be performed only on the basis of individual informed consent and grounded in an approach protecting human rights. (A/64/272, para. 33)