
REPORT ON COLONIALISM AND SOGI

Kyrgyzstan became fully part of the Russian Empire as a result of the forced annexation of the Kyrgyz territories in [1876](#).

In the Kyrgyz SSR, as in all other union republics of the USSR, there were laws that concerned with marriage and family relations, but during the existence of the Soviet Union, sodomy (homosexual relations between men) was a crime and fell under anti-homosexual laws.

Homosexuality was considered a "crime against morality" and was criminalized in accordance with the Criminal Code of the USSR in 1934. According to Article 121 of the Criminal Code of the USSR, "[sodomy](#)" was a criminal offense and could entail punishment in the form of imprisonment.

In 1991, the Soviet Union collapsed, and the Kyrgyz SSR became an independent state — the Kyrgyz Republic. In the period after that, there were changes in legislation, and the principles of equality and non-discrimination were enshrined in the Constitution of the Kyrgyz Republic, but only in 1998 the article “sodomy” was abolished from the Criminal Code of the Kyrgyz Republic.

Russia's colonial influence is still in force in Kyrgyzstan through the initiation of bills restricting freedom of speech and LGBT+ rights.

[In 2014](#), a law was initiated, according to which gay propaganda is prohibited. After two readings in Parliament, the bill was withdrawn.

However, on March 17, 2023, the Parliament of the Kyrgyz Republic initiated a bill [“On measures to prevent harm to children's health, their recovery, intellectual, mental, spiritual and moral development in the Kyrgyz Republic”](#), which mentions information “denying family values, promoting non-traditional sexual relations and forming disrespect for parents or other family members.”

This bill almost completely repeats the Russian law “On LGBT propaganda”. This bill will affect not only the activities of LGBT+ organizations to increase visibility and form a tolerant vision, but also negatively affect the activities aimed at combating HIV, as well as the educational activities of organizations that work with young people and children on health and sexual and reproductive health.

Coverage of STI and HIV issues will be prosecuted, which will negatively affect the achievement of global strategies like 95-95-95 on HIV, of which our country is a part.

The next legislative initiative was submitted on May 15, 2023 and concerned the new version of the Law "On Mass Media".

This option is the fifth in a row, and in addition to significant changes to the registration procedures for the media, a new wording has appeared in the article "Inadmissibility of abuse of freedom of expression, freedom of speech and press, receipt and dissemination of information" that it is impossible to use the media (which in the new wording also includes pages that disseminate information)"for the dissemination of materials promoting pornography, same-sex marriage, harming the health and morals of the population, the cult of violence and cruelty." At the same time, a clear concept of “morality” is not given.

However, if we study the history of Kyrgyzstan before the arrival of the Russian colonial power, there is no condemnation, prohibition of homosexual relations and punishments for this. A researcher from Kyrgyzstan, Altyn Kapalova, found out¹ that the works of Kyrgyz folk art and epics contain queer characters. Her research mentions that the Kyrgyz folk tale “Arman Ai” clearly describes us about the hero - a trans* man. Also, the characters of the small epics “Er-Toshtuk” and “Zhanyl-Myrza” have gender-fluid identities.

And the most important thing in the history of Kyrgyzstan is the belief that 40 soldiers of Manas are connected by homosexual relations (The epic "[Manas](#)" is the national epic of Kyrgyzstan. It is one of the longest epic works in the world and tells the story of a hero named Manas.)

In the history of Kyrgyzstan before the arrival of the Russian Empire, there were no prohibiting punishments for same-sex relationships and relationships, even if you look at the customary law of the Kyrgyz and lawsuits. However, it is mentioned that the Kokand Khanate, which existed from the end of the 18th century until 1876 on the territory of modern Uzbekistan, including the territories and tribes of the Kyrgyz in southern Kyrgyzstan, was a Muslim state where homosexual relations were considered contrary to Islamic law and moral norms. However, sources tell us that in 1845 there was a battle with the Kokand army for the conquest of the territory by the Russian Empire, and the Kokand Khanate lost due to the fact that their commander-in-chief [Kanaat Shah](#) was heartbroken because of the loss of his male lover on the battlefield.

In addition, the Turkic dictionary "Divan Lugat at-Turk" by Mahmud al-Kashgari, who lived in the XI century, contains the word "[kutluk](#)" – a reproach denoting "effeminate", "committing Sodom sin". However, even the negative meaning of the word says that same-sex relationships existed in the XI century among the Turkic people².

In general, in Central Asian culture, Turkic writers did not deny the existence of homosexual relations. For example, in the Turkic poetry of the Middle Ages, such as "Divan" by Hafiz Shirazi, one can find poems where love for the males is elevated into a beautiful and

¹ Research "Queer history of Kyrgyzstan", Altyn Kapalova and Kyrgyz Indigo, 2022. The study is not available on the Internet.

² Kyrgyz are one of the Turkic ethnic groups living in Central Asia, mainly on the territory of Kyrgyzstan.

poetic expression. These works, often written in the form of lyrical poems, can describe the emotional attachment, delight and anguish associated with this form of love.

The next example of such Turkic poets is [Rumi](#) (1207-1273), a Persian Sufi poet whose works were translated into the Turkic language and influenced Turkic literature. His poems often contain images and symbols that can be interpreted as references to the love of a man for a man.

There is also another story about [Mahmud Ghaznevi](#), who was one of the rulers of the Ghaznavid state in 998 (a state centered in the Afghan city of Ghazni, formed by the Turkic commander Alp-Tekin in 977). In the paintings of that time and in the works of the poet Nizami Aruzi, Mahmud Ghaznevi had a male lover, Malik Ayaz.

In general, sources show that with the advent of colonial power, laws restricting same-sex relationships also came, where special attention is paid to male homosexual relationships. Currently, due to the great influence of the Russian Federation on Kyrgyzstan, there are attempts to adopt bills not only restricting freedom of speech and LGBT+ rights, but also the activities of NGOs and civil society in general through bans on peaceful rallies, the closure of media outlets, detentions of opposition authorities and the initiation of a law on foreign agents.