

WITH THE PARTICIPATION:

Kyrgyz Indigo,  
Human & art,  
Kok.Team,  
Uzbekistan LGBTIQ IG «Equality»,  
IG OAT Kurtuluş

WITH THE SUPPORT:

IG Safe Space,  
Trans\*Coalition in the Post-Soviet Space



# LGBTI+ IN THE REGION OF CENTRAL ASIA: REPRESSIONS, DISCRIMINATION, EXCLUSION



*Footage from a documentary «Deafening silence»*

ADC Memorial thanks Human Right defenders, activists, initiative groups, LGBTI+ individuals who, despite the risks, shared their experience and told their stories. Without your participation, this publication would not be possible.

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Human rights report ADC Memorial with the participation: Kyrgyz Indigo, Human & Art, Kok.Team, Uzbekistan LGBTIQ IG «Equality», IG OAT Kurtuluş and with the support: IG Safe Spac, Trans\*Coalition in the Post-Soviet Space.

May 2020.



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# PROTECTION OF THE RIGHTS OF LGBTI+ PEOPLE IN CENTRAL ASIA

In 2019, Spartacus, an international travel guide for LGBTI+ people,<sup>1</sup> ranked Turkmenistan lowest of all Eastern European and Central Asian nations (179 of 197) and Uzbekistan only slightly higher (159). These are the only two former Soviet counties that have retained criminal liability and harsh sentences for MSM (in Turkmenistan, the maximum sentence is over 10 years in prison). Even though other countries in the region are ranked as safer (Kazakhstan – 83, Kyrgyzstan – 95, and Tajikistan – 110), life for LGBTI+ people is not easy in these countries either. LGBTI+ people cannot marry or enter into a partnership in any of these countries.

Any change in the situation of LGBTI+ people depends to a great extent on the country's political course and official efforts to eradicate homophobia. Activists and human rights defenders in the region have used various forms to call on governments to review anti-discriminatory laws. None of the countries examined in this report have a law providing protection on the basis of sexual orientation and gender identity. Only **Kyrgyzstan**, where the government is more open to dialogue about SOGI, has heeded the recommendations of UN committees to develop an anti-discrimination law.

Even though officials in **Kazakhstan** generally do not indulge in inflammatory statements, they are also in no hurry to bring national laws in line with international conventions in terms of observance of LGBTI+ rights.

In spite of repeated recommendations from UN committees, the government of **Tajikistan** has resisted adopting a comprehensive anti-discrimination law.<sup>2</sup> The government has also neglected to follow recommendations to end repressions on the basis of SOGI and the practice of maintaining official and unofficial lists of LGBTI+ people.<sup>3</sup> The statement from Tajikistan's human rights ombudsman that the country cannot implement recommendations made by international organizations regarding LGBTI+ rights because of "moral [norms] and ethics for relationships between people in the country"<sup>4</sup> is typical of the attitude in the country.

The governments of **Turkmenistan**<sup>5</sup> and **Uzbekistan**<sup>6</sup> systematically ignore recommendations made by international institutions and human rights organizations concerning the situation of LGBTI+ people, including recommendations concerning the decriminalization of consensual same-sex sexual relationships.<sup>7</sup>

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1 Spartacus Gay Travel Index 2019 - Ranking Order <https://spartacus.gayguide.travel/gaytravelindex-2019.pdf>

2 UPR recommendations in relation to Tajikistan, September 2016, <https://www.upr-info.org/en/review/Tajikistan/Session-25---May-2016/Responses-to-Recommendations#top>  
UNHRC list of questions for Tajikistan, November 2018, <https://undocs.org/en/CCPR/C/TJK/Q/3>

3 CEDAW recommendations in relation to Tajikistan, March 2019, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fQ%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fQ%2f6&Lang=en)

4 "Ombudsman: Tajikistan dismisses recommendations concerning the rights of sexual minorities, Radio Ozodi, January 2019, <https://rus.ozodi.org/a/29744170.html> [in Russian]

5 Summary record of the 3343rd meeting of the CCPR, consideration of Turkmenistan, March 2017, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSR.3343&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSR.3343&Lang=en)

6 "The Missing Piece in Uzbekistan's Reform Puzzle," Alturi, January 2019, [https://alturi.org/news\\_items/the-missing-piece-in-uzbekistans-reform-puzzle/](https://alturi.org/news_items/the-missing-piece-in-uzbekistans-reform-puzzle/) [in English]

7 UNHRC recommendations in relation to Turkmenistan, April 2017, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2fCO%2f2&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fTKM%2fCO%2f2&Lang=en)  
UPR recommendations in relation to Turkmenistan, 2013, 2018, [https://www.upr-info.org/database/index.php?limit=0&SUR=180&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=100&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&SUR=180&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly)

The topic of LGBTI+ remains complex for Uzbekistan, in spite of a marked liberalization in recent years: The government asserts that homosexual relations contradict “the tradition of the peoples” of the country and believes that they are “one of the causes for the spread of... HIV/AIDS.”<sup>8</sup> In official reports to UN bodies, Uzbekistan has reported that proposals to revoke criminal liability for MSM met with public outcry “not just on the part of Muslims” and require careful discussion with citizens.<sup>9</sup> However, there is no evidence that there has been any public discussion whatsoever on this topic. The former president, Islam Karimov, opposed decriminalization and repeatedly refused to grant equal rights regardless of SOGI.<sup>10</sup> The current president has not been observed making homophobic and transphobic statements in public, but open appeals for the protection of LGBTI+ people have recently given rise to a wave of homophobic special police operations. LGBTI+ people have taken this signal as a threat, while homophobes have taken it as a legitimization of hate and violence. Nevertheless, the direction of the country’s policies has left many hopeful that changes are coming and has motivated them to take efforts to achieve these changes.

Even though NGOs face difficulties and even barriers in their activities related to the topic of LGBTI+, the work of activists, human rights defenders, fearless members of society, and victims of hate crimes has resulted in the increased visibility of LGBTI+ people in many countries in the region and an associated gradual improvement in the realization of their rights.

In Bishkek (**Kyrgyzstan**) organizations that support the LGBTI+ community operate in the open, but NGOs and individual activists are subjected to pressure. For example, when nationalists attacked the office of the LGBTI+ organization Labris in 2015, the court did not prosecute the perpetrators.<sup>11</sup> In other regions of Kyrgyzstan, especially in the south, organizations cannot work completely openly on the topic of LGBTI+, but they do provide assistance to members of the community within the confines of their abilities. In addition to supporting LGBTI+ people in various areas, including by providing informational, psychological, legal, and medical assistance, NGOs in the capital also carry on a dialogue with the government.

In **Kazakhstan**, two NGOs (Kazakhstan LGBT Network, which was later renamed Safe Space, and Feminita) have not been able to register for several years. Feminita attempted to register three times, but was rejected each time due to “incompatibility with the goals of creating an NGO.”<sup>12</sup> The initiative Kok Team, which promotes awareness of LGBTI+ rights online and helps people in difficult situations, has been able to conduct important work, even though it does not have a legal entity in Kazakhstan.

Human rights defenders and activists from advocacy groups help individuals and even make public statements. In spite of opposition from the government and denial of approval for public

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UNHRC recommendations in relation to Uzbekistan, August 2015, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUZB%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUZB%2fCO%2f4&Lang=en)

List of issues in relation to the fifth periodic report of Uzbekistan, September 2019, <https://undocs.org/en/CCPR/C/UZB/Q/5>  
Concluding observations in relation to the fifth periodic report of Uzbekistan, March 2020, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUZB%2FCO%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUZB%2FCO%2F5&Lang=en)

Recommendations of the Committee Against Torture in relation to the fifth periodic report of Uzbekistan, December 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25294&LangID=E>

UPR recommendations in relation to Uzbekistan, 2013, 2018, [https://www.upr-info.org/database/index.php?limit=0&f\\_SUR=188&f\\_SMR=All&order=&orderDir=ASC&orderP=true&f\\_Issue=All&searchReco=&resultMax=100&response=&action\\_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=188&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly)

8 Comments by the National Centre for Human Rights of Uzbekistan on the concluding observations and recommendations of the United Nations Human Rights Committee (document CCPR/C/UZB/CO/4) following the consideration of the fourth periodic report of Uzbekistan, January – February 2016

9 Summary record of the 3690th meeting of CCPR, consideration of Uzbekistan, March 2000, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSR.3690&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSR.3690&Lang=en)

10 “Islam Karimov calls gay people ‘mentally ill’”, Radio Ozodlik, February 2016, <https://rus.ozodlik.org/a/27536052.html> [in Russian]

11 “Against simple answers,” Femshtab, September 22, 2017, <http://www.art-initiatives.org/ru/content/protiv-prostyh-otvetov-avtory-oksana-georgy>

12 “The case of the non-registration of Feminita,” Feminita, June 2019, <http://feminita.kz/2019/06/feminita-registration-issues/>

events using LGBTI+ symbols in Kazakhstan<sup>13</sup> and Kyrgyzstan,<sup>14</sup> activists still do hold actions in support of LGBTI+ people.<sup>15</sup>

Human rights defenders in Kazakhstan<sup>16</sup> and Kyrgyzstan<sup>17</sup> support the filing of reports about discrimination to the police and the courts; thanks to their persistent effort and the victims' courage, perpetrators have been prosecuted:

*Kazakhstan's Supreme Court found that a video of young women kissing that was recorded without their consent and published was a violation of the right to personal inviolability.<sup>18</sup> The victims were supported by both human rights defenders and activists, and events were held to give these young women emotional and financial support.*

*With assistance from human rights defenders, a transgender woman in Kyrgyzstan won her case against the media to have a video taken and published without her consent deleted.<sup>19</sup>*

*Human rights defenders in Kyrgyzstan helped force an employer to remove an illegal hiring requirement for a certificate attesting to HIV-negative status.*

LGBTI+ rights have been successfully protected with increasing frequency in Kazakh and Kyrgyz courts. But even in Tajikistan, where this is harder to achieve, human rights defenders take advantage of available judicial remedies in at least some spheres, like employment, and, when necessary, changing personal documents. The LGBTI+ community of the entire Central Asian region is lacking not just in support from NGOs, but also in friendly lawyers and attorneys. Even in large cities in Kyrgyzstan and Kazakhstan, where the situation is more favorable and more and more specialists are willing to have legal consultations with LGBTI+ people and represent them in court, it is still hard to find, for example, a notary willing to notarize evidence collected by a lawyer working with an LGBTI+ client. In more problematic regions, for example the south of Kyrgyzstan, male attorneys refuse to represent gay defendants. This problem is more acute in the other countries in the region. Lawyers do not want to take on these cases because they have a slim chance of winning and fear repressions and the disapproval of homophobic colleagues.<sup>20</sup>

In addition to legal work and victim assistance, awareness work also contributes to the success of efforts related to the topic of LGBTI+. NGOs in Kazakhstan and Kyrgyzstan are publishing an increasing

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13 "Akimat of Almaty rejects LGBT meeting," Kursiv, August 2019, <https://kursiv.kz/news/obschestvo/2019-08/akimat-almaty-otkazal-v-provedenii-lgbt-mitinga> [in Russian]

14 "Bishkek mayor bans LGBT symbols at women's march on March 8," Fergana, March 2020, <https://fergana.news/news/115703/> [in Russian]

15 "LGBT activists organize action in the capital," Turan Times, August 2019, <https://turantimes.kz/obschestvo/8880-lgbt-aktivistki-ustroili-akciyu-v-stolice-video.html> [in Russian]

"Meeting of solidarity with people arrested during the women's march in Bishkek," Mediazona CA, March 2020, <https://mediazona.ca/online/2020/03/10/support-girls> [in Russian]

"Organizers of peaceful March 8 march in Bishkek request protection from the government and law enforcement," News Asia, March 2019, <http://www.news-asia.ru/view/5976/12047> [in Russian]

"Human Rights defenders from Labris explain why LGBTI+ people were at the march for women's rights," Kloop.kg, March 2019, <https://kloop.kg/blog/2019/03/11/pravozashhitniki-iz-labrisa-obyasnili-pochemu-lgbt-podderzhali-marsh-za-prava-zhenshhin/> [in Russian]

16 "Ayan wins case against abusers," Kok.Team, January 2020, <https://www.kok.team/ru/2020-01-31/ayan-vyigral-sud-protiv-nasilnikov> [in Russian]

17 "Homophobia, blackmail, and extortion are all part of the daily life of LGBTI+ people in Kyrgyzstan." Interview with Liliya Ten," Elgezit, February 2020, <https://elgezit.kg/2020/02/07/gomofobiya-shantazh-vymogatelstvo-chast-povsednevnoj-zhizni-lgbt-lyudej-v-kyrgyzstane-intervyu-s-liliej-ten/> [in Russian]

"How a transgender woman got justice from the state," Kyrgyz Indigo, May 2019, <https://indigo.kg/ignoryrovat-nelzya-pomoch-kak-trans-devushka-dobivaetsya-pravosudiya-ot-gosudarstva.html> [in Russian]

18 "How Uyatman lost to fearless young women," Feminita, August 2019, <http://feminita.kz/2019/08/как-уятмен-проиграл-бесстрашным-деву/> [in Russian]

19 "Kyrgyzstan Court Protects Trans Woman's Right to Privacy," ILGA Europe, November 2019, [https://www.ilga-europe.org/resources/news/latest-news/kyrgyzstan-court-protects-trans-womans-right-privacy?fbclid=IwAR3D9kIj\\_XRiA\\_gLvwVBCxqtNKFhKnxBJcyYTVm3rt0fTlBq6lAoeq5xqGE](https://www.ilga-europe.org/resources/news/latest-news/kyrgyzstan-court-protects-trans-womans-right-privacy?fbclid=IwAR3D9kIj_XRiA_gLvwVBCxqtNKFhKnxBJcyYTVm3rt0fTlBq6lAoeq5xqGE)

20 "Famous showman arrested in Ashgabat under suspicion of homosexuality," turkmen.news, April 2020, [https://turkmen.news/human-rights/gay-turkmenistan/?fbclid=IwAR1bsYdcLzuxXt8tUvMz2cxKwEcyWIeTAc3eIRuh\\_tJgyV5d7JvQ-mnq38Y](https://turkmen.news/human-rights/gay-turkmenistan/?fbclid=IwAR1bsYdcLzuxXt8tUvMz2cxKwEcyWIeTAc3eIRuh_tJgyV5d7JvQ-mnq38Y) [in Russian]

number of high-quality materials, holding training sessions, and producing reference guides about how to write about SOGI. Even local journalists in Tajikistan have taken an interest in this topic in recent years and have started writing about LGBTI+ people and seeking ways to cooperate with human rights defenders and activists.

In **Tajikistan**, it is still not possible to register advocacy groups that work directly on LGBTI+ issues because the protection of LGBTI+ rights is seen as a violation of public morality.<sup>21</sup> As a result, several groups operate without a registration, while others find ways around the ban by working on related topics like health. The directors of a number of organizations have been subjected to persecution by the State Committee for National Security for several years, and some are still being monitored now.<sup>22</sup> The secret services periodically make new attempts to pressure human rights defenders. Another complexity is that members of the community do not trust some NGOs: There have been cases when an NGO had information about LGBTI+ people that ended up in the possession of law enforcement and was used for persecution and extortion.<sup>23</sup> But work on SOGI topics is possible in Tajikistan in spite of the pressure. Human rights defenders, activists, and LGBTI+ people take enormous risks but continue to fight for their rights and the rights of other members of the community. Advocacy groups are expanding their activities, supporting LGBTI+ people in difficult situations, and working towards changing the law and increasing the visibility of members of the community.

In closed countries like **Uzbekistan** and **Turkmenistan**, human rights defenders can only help LGBTI+ people behind the scenes.

The situation is worst in Turkmenistan, where activists and advocacy groups cannot safely support LGBTI+ people and put themselves at serious risk for doing so. The possibilities of LGBTI+ activists are limited, and many are forced into hiding and can only rely on themselves and a narrow circle of acquaintances. The situation in Uzbekistan is similar in many ways, but activists are at least able to publicize events and cooperate to support a broader circle of LGBTI+ people.

In spite of the persistent threat of criminal prosecution, members of the community in both countries find the courage to demand decriminalization and protection of LGBTI+ rights. In July 2019, Shokhrukh Salimov, who faced the risk of criminal prosecution, openly advocated for the protection of all LGBTI+ people in Uzbekistan.<sup>24</sup> Voices have recently been sounding even in Turkmenistan. In October 2019, Kasymberdy Garayev appealed to the president to end the persecution of LGBTI+ people in Turkmenistan.<sup>25</sup> Activists are risking their own lives to advocate for the rights of LGBTI+ people.

Even though in the region there are no specific organizations or individual advocacy groups working to protect the rights of intersex people, there has been a long-standing need to articulate and observe their rights: Intersex people have already appealed to organizations and activists working on the rights of vulnerable groups and LGBTI+ problems for help, at least in regard to health issues.

Despite the numerous complications, LGBTI+ organizations and activists have made an enormous contribution to improving the situation of LGBTI+ people. Thanks to their work and cooperation with foreign and international organizations, it is becoming possible to spread awareness about the situation for LGBTI+ people both at home and abroad and take positive steps towards changing laws and practices.

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21 Law of the Republic of Kazakhstan "On Non-governmental Organizations," <http://www.icnl.org/research/library/files/Tajikistan/pubass.pdf>

22 This source is not being revealed for reasons of safety.

23 "Many are killed by their relatives.' What Tajik gays are fleeing," Lenta.ru, October 2017, [https://lenta.ru/articles/2017/08/27/chon\\_tojikiston/](https://lenta.ru/articles/2017/08/27/chon_tojikiston/) [in Russian]  
This source is not being revealed for reasons of safety.

24 "LGBT community sends request to President Mirziyoyev to remove the 'muzhelozhstvo' article from the Criminal Code," Radio Ozodlik, July 2019, <https://rus.ozodlik.org/a/30071738.html> [in Russian]  
For more detailed information, see the chapter "A Tragic Anachronism: The Criminalization of Consensual Same-Sex Relationships Between Men in Turkmenistan and Uzbekistan."

25 "Kasymberdy Garayev: Forgive me! I'm not guilty of anything!" Radio Azatlyk, October 2019, <https://rus.azathabar.com/a/30246405.html> [in Russian]  
For more detailed information, see the chapter "A Tragic Anachronism: The Criminalization of Consensual Same-Sex Relationships Between Men in Turkmenistan and Uzbekistan."

# THE SITUATION OF INDIVIDUAL GROUPS OF LGBTI+ PEOPLE

The situation of individual groups of the LGBTI+ community is marked by additional specific vulnerabilities and multiple discrimination. Lesbian and bisexual women experience both prejudice related to their sexual orientation and gender stereotypes; transgender people suffer from rejection from both within and outside of the community; and LGBTI+ people living with HIV face stigmatization for several reasons at once. Finally, MSM in Uzbekistan and Turkmenistan are still subjected to criminal prosecution.

## THE PROBLEMS OF LESBIAN AND BISEXUAL WOMEN

None of the countries examined in this report have criminal liability for consensual same-sex relationships between adult women, but the criminal codes of Kazakhstan, Kyrgyzstan, and Tajikistan include the term “*lesbianism*” as one of the unnatural forms of forced sexual contact listed in the article “Sexual Assault.” The presence of a term like this in these criminal codes speaks to public disapproval of same-sex contact between women.

The rejection of lesbians by traditional society can take aggressive forms. For example, cases have been documented where lesbians were blackmailed, sometimes even by the police, and subjected to both psychological and physical violence:

*There have been cases in Kyrgyzstan and Kazakhstan when strangers recorded women holding hands, embracing, or kissing and then blackmailed them or added homophobic comments to the videos and made them available to the public.*

*When a lesbian filed a police report about criminals who recorded her on video in a park and then blackmailed her under the threat of outing, the officers failed to take any measures to find the guilty parties and even published her personal information. (Kyrgyzstan, report of ADC Memorial and Kyrgyz Indigo for the UPR, July 2019)*

*In Uzbekistan, former friends of a lesbian woman blackmailed her several times over the course of one year and threatened to reveal her orientation to her parents. She had to pay over \$2,000, which she borrowed and which would take several years to repay. During one of the instances of intimidation and extortion, the former friends stabbed her. She had to treat the wound herself because she was scared to consult a doctor. She was not able to turn to the police for help and telling her “conservative Muslim” family about the incident would have been the equivalent of suicide. (Interview about the situation in Uzbekistan in 2019, ADC Memorial, November 2019)*

*A police officer in Uzbekistan threatened to out a woman captured in a photo with another woman and extorted money from her. Her constant fear of being outed coupled with pressure from her parents, who wanted to give her away in marriage, led to several suicide attempts.<sup>26</sup>*

The sexual orientation of lesbian and bisexual women is an additional stigma that only aggravates the already difficult position of women in Central Asia, where religious norms have a tremendous influence, harmful traditional practices are widespread, and patriarchal stereotypes are deeply entrenched. Women feel the burden of “traditional values” more than men, and society foists a strictly defined gen-

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26 “No one’s hiding behind a rainbow (18+),” Fergana News Agency, September 2019, <https://fergana.agency/articles/110271/> [in Russian]



der role on women-mothers-homemakers that is difficult to overcome. In addition, women are rigidly controlled by their families and have little independence in making decisions about education, employment, relocation, and, of course, marriage, and are often deprived of the ability to leave their homes alone, communicate freely with others, conduct confidential correspondence on social media, and so forth. In fact, experts believe that this strict control (women can be locked up at home, have their phones taken away, and so forth) is the very reason why violations of the rights of LB women and violence against these women (committed by both family members and outside aggressors, including the police) rarely become known.

Strong family ties and dependence on the instilled primacy of relationships with the family force women to live up to the gender defined expectations of their relatives and go against their own wishes by entering into forced marriages, frequently at a very young age, before they have the chance to get an education or experience even a small taste of independence. Women do not have the ability to refuse sex with their husband and must to all intents and purposes endure rape and other forms of violence committed by their husband or his family.<sup>27</sup> LB women have even less freedom once they are married: From that point on, they will be controlled by their husband and his relatives and will have to break off all previous contacts and stop any “suspicious” communications.

Most LB women fear their family’s reaction if they are outed or come out themselves. Informants spoke about their extreme dependence on their family and recognized the importance of gaining the approval of their relatives and maintaining close ties with them. Expulsion from the family causes severe harm to women, particularly women from rural districts, where the primacy of traditional values is especially high. Their fear of being outed is also a fear of violence from family members. The quack procedures of driving “male jinns” out of women are accompanied by psychological, physical, and even sexual violence; there have even been cases of rape, generally committed by relatives, that is intended to “cure” women; at home the women face beatings and threats at home and are not allowed to go out. Our informants were not aware of any instances of killings, but women, particularly from Tajikistan, Turkmenistan, and Uzbekistan, believe there is a real risk of this.

The situation is better in the capitals and large cities of Kyrgyzstan and Kazakhstan, where LB women feel freer, even though they cannot speak openly about their partners with family members. At the same time, however, they still feel pressure from patriarchal views and face discrimination on the basis of their sexual orientation and social censure:

*“Lesbianism is not considered a crime, but society treats us with hatred and disgust, so we have to stay under the radar, pretend to be a different person, live a double life.” (Interview about the situation in Uzbekistan in 2019, ADC Memorial, November 2019)*

Lesbian women also endure other difficulties in daily life. For example, they cannot tell gynecologists about their orientation or receive competent HIV counseling or testing. There have also been cases where lesbians were forced to leave their jobs or drop out of school because of biased treatment.

In addition, female activists have spoken about gender discrimination within the LGBTI+ community that results in disregard for the needs of LB women, lack of respect for their opinions, and underrepresentation among LGBTI+ activists. The idea that the problems faced by LB women are trivial and that these women do not need as much protection as men do can be explained by the patriarchal stereotypes that even LGBTI+ people themselves are not immune to and by the fact that the level of social rejection of same-sex female couples is lower than the level of homophobia in respect of men.

Over the past several years, both the authorities and homophobic vigilantes in Kyrgyzstan and Kazakhstan have actively resisted including LB and SOGI matters in the permitted feminist agenda.

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27 “It’s come down to group reprisals.’ Five stories of LGBTI+ people from Kyrgyzstan,” Current Time, June 2019, <https://www.currenttime.tv/a/lgbt-asia-kyrgyzstan/30004286.html> [in Russian]

Events held by feminists to mark March 8<sup>28</sup> and May 1<sup>29</sup> (in Kyrgyzstan) were met not just with criticism, but also with pressure from the police and attacks by supporters of traditional values. Female activists and organizers of “unsanctioned” events are subjected to repressions and fines.

## PROBLEMS FACED BY TRANSGENDER PEOPLE

Transphobia is characteristic of the traditional societies of Central Asian countries, and the transgender community is the most closed and stigmatized community within the larger LGBTI+ community. Transgender people feel that they are in a more vulnerable position because identity is much harder to conceal than orientation. They are thus faced with a choice: conceal their identity and live in permanent suffering and fear, or attempt to live openly and risk their safety and even lives. In many cases, they are forced to change their place of residence so that no one knows how they looked previously.

Transgender people in remote and rural regions of some countries experience a lack of information and have no knowledge of the terminology and diversity of SOGI, which complicates their search for their own identity and makes it difficult for them to recognize and define themselves as “transgender people,” manage their own internal transphobia, and overcome their fears of using a new name and referring to themselves with a different gender. For example, transgender women we spoke with from Tajikistan and Uzbekistan, where the problem of access to reliable information about SOGI is most pressing, and from Kazakhstan and Kyrgyzstan, where the situation is better, have long called themselves “crossdressers” during their transition, and this term is also used by others in relation to them.

Many people who want to transition refrain from doing so not just because of the complicated nature and expense of the procedure, but also because it is not accepted by their traditionally transphobic societies and because of their fear of being totally excluded and losing their social and family ties. Statements from religious figures critical of gender transition make the already complex process of self-acceptance even more complicated.<sup>30</sup> Relatives of transgender people can use violence against them, take them to different regions, lock them up at home, and arrange for forced marriages (cases of this have been documented in Tajikistan and Uzbekistan and in some regions and rural areas of Kazakhstan and Kyrgyzstan where people are more traditional).

The forced necessity of not being able to be oneself means that transgender people suffer from depression and attempt suicide more frequently than other members of the LGBTI+ community.<sup>31</sup>

In most Central Asian countries, transgender people who are not able to transition cannot be true to their own identities and face discrimination based on gender identity in various parts of life because their documents do not match their appearance. For example, they can be fired, which forces them

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28 “Actions for women’s rights. A demonstration in Almaty and detentions in Bishkek,” Mediazona CA, March 2020, <https://mediazona.ca/online/2020/03/08/women> [in Russian]

“Kazakhstan: Organizers of the March 8 women’s march fined for ‘petty hooliganism’ and participating in a meeting,” Kloop.kg, March 2020, <https://kloop.kg/blog/2020/03/12/kazakhstan-organizatorok-zhenskogo-marsha-8-marta-oshtrafovali-za-melkoe-huliganstvo-i-uchastie-v-mitinge/> [in Russian]

“Unidentified people attack female participants of the “women’s march” in Bishkek, organizers detained,” Current Time, March 2020, <https://www.currenttime.tv/a/bishkek-8-marta-women-march/30475708.html> [in Russian]

“Six participants in the march against domestic violence in Bishkek are fined,” Interfax, March 2020, <https://www.interfax.ru/world/698266> [in Russian]

29 “Kyrk Choro attacks feminists and members of the LGBTI+ community. Police launch investigation,” May 2019, Kloop.kg, <https://kloop.kg/blog/2019/05/01/kyrk-choro-napali-na-feministok-i-chlenov-lgbt-soobshhestva-militsiya-bezdeystvovala/> [in Russian]

30 “Citizens of Central Asia travel to Kyrgyzstan to change their gender”, Sputnik, <https://tj.sputniknews.ru/asia/20180614/1025841802/grazhdane-centralnoy-azii-ezdyat-kyrgyzstan-operaciy-smena-pola.html> [in Russian]

31 “Life in a daze – on changing gender and the forced sterilization of transgender people in Kazakhstan,” informburo.kz, January 2017, <https://informburo.kz/stati/zhizn-v-transe-o-smene-pola-i-prinuditelnoy-sterilizacii-transgenderov-v-rk.html>

to work unofficially, often in transactional sex, with all the inherent risks.<sup>32</sup> In addition, many are deprived of access to specialized and higher education and traveling and relocation become riskier. Many transgender people are restricted in their access to banking services or must undergo extended and sometimes degrading identification procedures every time they go to a bank. Even regular document checks and interaction with the police can involve danger.<sup>33</sup>

The situation for transgender women in all of these countries is more complicated than it is for men because of their appearance and the related social stigmatization and gender discrimination.

Transgender violence and police persecution of transgender people is particularly brutal, and transgender people fear for their lives in all Central Asian countries.<sup>34</sup> They regularly endure physical, psychological, and sexual violence, threats, and harassment.<sup>35</sup> Transgender women who provide transactional sex services are particularly vulnerable (see the chapter “Police Persecution”). The risk of violence arises not just during interactions with law enforcement agencies, but also from regular citizens and certain groups that attack transgender people:

*“It is particularly bad for transgender people because it is immediately clear who they are. Sometimes police officers take them to the precinct and beat them there. Sometimes they just beat them right away. We were at an action recently, and my friend was wearing eyeshadow. A drunk guy came up to us and said, ‘Why do you look like a chick?’ and took such a hard swing at him that he fell. He broke some teeth and hurt his eyes and nose. Now he’s in the hospital and has to have an operation that costs \$500. (January 2019, interview about the situation in Tajikistan, ADC Memorial)*

It is virtually impossible to attain justice: Police reports are often rejected and result in the instigation of cases against the victims. Threats of outing and blackmail and humiliation are common police practices and have been recorded in all the countries in the region, including the more liberal Kazakhstan and Kyrgyzstan:

*In February 2020, the wallet of a transgender woman in Kyrgyzstan was stolen and she called the police. Instead of fulfilling their direct obligations, officers invited journalists, who recorded this woman against her will and distributed the video. Transphobic comments on this video were accompanied by slurs and calls for murder. As a result of being outed, this woman started to have problems with her relatives and receive threats from passersby; the head of her village gave an order that she should not be allowed home.<sup>36</sup>*

## PROBLEMS RELATED TO GENDER TRANSITION

Gender transition is complicated to varying degrees depending on country. Information about the number of completed transitions is difficult to access, and data published in the media cannot fully reflect the actual situation.<sup>37</sup> Sometimes transgender people travel for operations to neighboring countries where the situation is safer or the procedure is several times cheaper (for Kazakh citizens, this is Kyrgyzstan).

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32 “Changing gender in Kazakhstan: the difficult fate of a transsexual from Karaganda,” Sputnik, <https://ru.sputniknews.kz/society/20181021/7709662/transseksual-karaganda-operaciya-strah.html> [in Russian]

33 “Trans woman arrested for no reason and left with bruises,” Kaktus Media, [https://kaktus.media/doc/393570\\_transjenshiny\\_loly\\_prosto\\_tak\\_zaderjala\\_miliciia\\_ostalis\\_siniaki.html](https://kaktus.media/doc/393570_transjenshiny_loly_prosto_tak_zaderjala_miliciia_ostalis_siniaki.html) [in Russian]

34 “Changing gender in Kazakhstan: the difficult fate of a transsexual from Karaganda,” Sputnik, <https://ru.sputniknews.kz/society/20181021/7709662/transseksual-karaganda-operaciya-strah.html> [in Russian]

35 “An analysis of the country context of Kazakhstan, Kyrgyzstan, and Ukraine,” Trans\*Coalition, 2017, <https://www.transcoalition.net/wp-content/uploads/2020/04/ask-tk-1.pdf> [in Russian]

36 “Sirena,” official YouTube channel of “7-kanal Kyrgyzstan,” <https://www.youtube.com/watch?v=NcHDDsGu42g>, official YouTube channel of “12-kanal Kyrgyzstan,” <https://www.youtube.com/watch?v=r7tRFLzxZZM>

37 “Steps to partial transition,” Fergana, <https://fergana.ru/articles/108905/>, Transgender people from Central Asia travel to Russia in search of freedom and anonymity. Data on transitions in recent years: from several people over two to four years in Tajikistan and Uzbekistan to over 10 per year in Kyrgyzstan and Kazakhstan.

The situation of transgender people in **Turkmenistan** is the most complicated. While laws allow people to change their first and last names “in connection with a change in gender for ‘intersexual people,’”<sup>38</sup> the possibility of changing first and last names at a person’s own desire is not contained in the law. The opportunities, grounds, and procedures for changing their gender marker by transgender people are not known, as they are not mentioned in the law. Transgender people are forced to have gender reassignment surgery in other countries, but they are not able to change their documents even after this:

*A transgender woman underwent sex reassignment surgery in another country. She was arrested at an airport in Turkmenistan because her appearance did not match her documents. She received a sentence of five years imprisonment under Article 136 of the Criminal Code. She was placed in a pretrial facility with men. She sat alone in her cell and suffered from her inability to contact other people. She cried and begged for someone to talk with her. Visits were banned. Her situation was complicated by the absence of hormone therapy. She was released after serving her sentence, but a witness reported that in 2019 she looked like a man. (On a 2014 case in Turkmenistan, interview, ADC Memorial, April 2020)*

The laws of most of the remaining Central Asian countries differ in terms of how complicated they make gender transition and do not account for the actual difficulties and needs of transgender people.

It is possible to transition in **Tajikistan**, but the process is poorly regulated.<sup>39</sup> The Bureau of Vital Statistics requires presentation of a “standard form attesting to a change in gender and issued by a medical organization,” but respondents assert that this “standard form” does not exist, which leaves the door open for arbitrary decisions and illegal demands from medical professionals and workers at registration and documentation offices. Respondents reported that they had to push for a change to their gender marker in court after vital statistics offices refused to change their documents. Medical professionals frequently require confirmation of hormone therapy and breast surgery. The entire transition procedure takes up to one year.

**Uzbekistan’s** unclear transition procedure has been the subject of criticism.<sup>40</sup> In this country, people who want to transition must undergo a 30-day psychiatric hospitalization, which can be extended by a physician.<sup>41</sup> In addition to an extended forced hospital stay, the procedure is fraught with risks of outing, blackmail, and persecution, which is particularly dangerous in a country that has criminal liability for MSM. On the positive side, there are no requirements for surgery or hormone replacement therapy.

Transgender people in **Kazakhstan** also have to spend a month in a psychiatric hospital to obtain a medical diagnosis and take further actions. Recent reforms have made the transition process more transparent in some ways, but more complicated in others.<sup>42</sup> Only people over the age of 21 can transition. Hormone therapy and surgical corrections (for example, sterilization) are now mandatory, as is a

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38 Resolution of the President of Turkmenistan No. 6671 of April 12, 2004 “On the Approval of Provisions Concerning the Procedure for Registering Vital Records in Turkmenistan,” [http://continent-online.com/Document/?doc\\_id=31343615#pos=0;0](http://continent-online.com/Document/?doc_id=31343615#pos=0;0)

39 Law of the Republic of Tajikistan No. 188 of April 29, 2006 “On the State Registration of Vital Records,” Article 74, [https://online.zakon.kz/document/?doc\\_id=30414924#pos=0;0](https://online.zakon.kz/document/?doc_id=30414924#pos=0;0) [in Russian]

40 Family Code of the Republic of Uzbekistan of April 30, 1998, articles 201 and 229, <https://lex.uz/docs/104723#161912> [in Russian]  
Rules for Registering Vital Records (Annex No. 1 to Resolution of the Cabinet of Ministers No. 387 of November 14, 2016), articles 149, 157, 166–184, <https://lex.uz/docs/3064983> [in Russian]

41 Legal assessment of national laws of Uzbekistan related to the rights of LGBTI+ and HIV-positive people, ECOM, 2019, [http://afew.org/wp-content/uploads/2020/01/ECOM\\_Legal-Environment-Assessment-2019\\_Uzbekistan\\_RUS.pdf](http://afew.org/wp-content/uploads/2020/01/ECOM_Legal-Environment-Assessment-2019_Uzbekistan_RUS.pdf) [in Russian]  
Instructions of the Ministry of Health for conducting differential diagnosis and excluding schizophrenia and chromosomal anomalies.

42 Code of the Republic of Kazakhstan No. 518-V of December 26, 2011 “On Marriage (Matrimony) and the Family,” Article 257: Full name changes are possible if a person wants to have a first name, patronymic, or last name that corresponds to their chosen gender and has undergone gender reassignment surgery, [https://online.zakon.kz/document/?doc\\_id=31102748#pos=2598;56](https://online.zakon.kz/document/?doc_id=31102748#pos=2598;56) [in Russian]  
Code of the Republic of Kazakhstan No. 193-IV of September 18, 2009 “On People’s Health and the Healthcare System,” Article 88, [https://online.zakon.kz/Document/?doc\\_id=30479065#pos=3337;-60](https://online.zakon.kz/Document/?doc_id=30479065#pos=3337;-60) [in Russian]  
“On the Approval of Rules for Medically Clearing and Conducting Gender Reassignment for People with Gender Identity Disorder,” [https://tengrinews.kz/zakon/pravitelstvo\\_respubliki\\_kazakhstan\\_premier\\_ministr\\_rk/zdravoohranenie/id-V1500010843/](https://tengrinews.kz/zakon/pravitelstvo_respubliki_kazakhstan_premier_ministr_rk/zdravoohranenie/id-V1500010843/)

year-long course of social and psychological adaptation after the transition is complete. State of health and lack of finances can interfere with these required medical procedures. In addition, many transgender people do not want to have surgery (only 1.5 percent of known transgender men have had a surgical procedure), and some do not want to pose any risk to their health. Another negative consequence is that the length of the transition procedure has increased sharply to up to several years. The sum total of these requirements stops many from transitioning.<sup>43</sup> The new procedures have been criticized not just by human rights defenders, but also by psychiatrists, who must now decide if a person needs hormone therapy and surgery, even though their actual job is to confirm the diagnosis they believe to be correct within the shortest possible timeframe and without mandatory hospitalization.

The transition procedure is most progressive in **Kyrgyzstan** in light of recent legislative amendments<sup>44</sup>—it responds to the greatest degree to the needs of transgender people, takes just under six months, and does not require surgical interference.

Even though Kazakh and Kyrgyz laws have regulated the transition procedure, not all physicians in remote or rural areas are qualified enough to help transgender people. Medical clearance commissions have only been organized in one city in each country (Bishkek and Almaty).

Another criticism is that, upon completion of transition, Kazakhstan and Kyrgyzstan do not change IINs (individual identification number in Kazakhstan) or PINs (personal identification number in Kyrgyzstan), which are encoded with the gender marker the person was given at birth. Workers at a number of institutions that have access to this kind of personal data may accidentally find out about a person's gender transition, which could result in discrimination, biased treatment, and even refusal of service (including for technical reasons, for example, bank and payroll software may give an error if the gender marker entered does not match the IIN or PIN).

The discrimination and harassment of transgender people can often be linked to requests for assistance from government workers and physicians regarding the procedures required for transition. In many cases, both officials and physicians are not only openly hostile to transgender people, but are also poorly trained: They do not know the order of the required procedures and do not differentiate between people undergoing the transition process and people who have already completed the process. The success of the procedures and the speed with which documents (personal and banking documents, certificates, diplomas, licenses, and so forth) are replaced often depends on the personal qualities and abilities of a specific worker.

*A case in Tajikistan (2017): A transgender woman went in to change her personal documents. She was rudely refused service and asked to return with the court decision. But she did not get the court decision because she faced discrimination and abusive language at the court. (Interview on the situation in Tajikistan, ADC Memorial, April 2019)*

The lack of trained and friendly doctors is a problem not just during the transition process, but also at any time transgender people seek medical care. Some doctors refuse to provide them with medical care and treat them in a discriminatory manner by using the pronoun “it” and other untenable expressions. There have been cases where, instead of providing treatment for an illness, doctors have launched into accusations and stated that the person's gender identity was the cause of their sickness. Transgender people consulting doctors risk being subjected to harassment, pressure, and outing. In Uzbekistan and Tajikistan, there have been cases where doctors called the police, resulting in the

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43 “Number of the day: 11 people changed their gender in Kyrgyzstan over 19 months,” Kaktus Media, <https://mk-kz.kz/social/2019/06/12/legko-li-byt-transgenderom-v-kazakhstane.html> [in Russian]

44 Law of the Kyrgyz Republic “On Vital Records” of April 12, 2005, Article 72, <http://cbd.minjust.gov.kg/act/view/ru-ru/1655> [in Russian]

Law “On the Protection of the Health of Citizens of the Kyrgyz Republic” of January 9, 2005, Article 38, <http://cbd.minjust.gov.kg/act/view/ru-ru/1602> [in Russian]

Instructions on the Procedure for Registering Vital Records in the Kyrgyz Republic, Article 155, <http://www.not-palata.kg/index.php/rus/zakonodatelstvo/инструкции,-правила,-положения/72-инструкция-о-порядке-регистрации-актов-гражданского-состояния> [in Russian]

Guidelines of the Ministry of Health on the Provision of Medical and Social Assistance to Transgender People, Transsexual People, and Gender Non-Conforming People for Medical Specialists from all Levels of Healthcare and Other Agencies of the Kyrgyz Republic No. 42 of January 18, 2017, <http://www.labrys.kg/ru/library/full/25.html>

persecution of transgender people. This unfriendly treatment and the risk of repressions means that transgender people prefer not to seek medical care, including during the transition process: When making a decision about hormone therapy, they often follow other people's advice and ignore their own body's needs and their state of health.

## STIGMATIZATION OF LGBTI+ PEOPLE LIVING WITH HIV

HIV-positive people are stigmatized in all Central Asian countries. This is primarily because society is poorly informed about the illness itself, prevention measures, and antiretroviral therapy. Moreover, Kyrgyzstan, Tajikistan, and Uzbekistan are countries of mass labor migration, which has become a leading factor in the increasing number of people infected with HIV. The laws of all these countries provide for criminal punishment for infecting another person with HIV or for creating the danger of infecting another person,<sup>45</sup> while only Kazakh and Kyrgyz laws relieve an infected person of responsibility if they notify their partner of the potential for infection. Rejection of people living with HIV, ignorance, and fear of persecution mean that people decide to forgo testing and prefer not to learn their status. When they do learn their status, they conceal it carefully. The topic of HIV is not covered sufficiently, even though this could help overcome biases against people living with HIV, and little information is provided in the right way, at the right scientific level, in popular formats, or in the native languages of these countries.

The situation is worst of all in **Turkmenistan**, where the government adheres to a strategy of denial and silence, thus suppressing any opportunity to discuss the problem. Turkmenistan is the only country in the region that does not provide statistics on infection to the WHO or UNAIDS.<sup>46</sup> Official data contradict reality and show that there are no infected people. Doctors are prohibited from giving a diagnosis of HIV, and the state does not allocate sufficient funds to antiretroviral therapy.<sup>47</sup> The law "On Combatting the Spread of the Illness Caused by the Human Immunodeficiency Virus (HIV Infection)"<sup>48</sup> identifies two types of medical examinations: the required examination, as in the case of marriage or for family members of HIV-positive people, and the forced examination, which is conducted without the patient's consent when there are "sufficient grounds" to believe that the patient is positive. This kind of ambiguity in the law creates opportunities for arbitrary demands for testing, notification of false results, and threats to share these results for the purpose of extortion.

LGBTI+ people living with HIV belong to several vulnerable groups at once and suffer from multiple discrimination in all the countries in the region. LGBTI+ people are in a group at high-risk of infection, but they cannot effectively protect themselves or their potential partners without sufficient access to information, means of prevention, and safe, anonymous testing.

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45 Criminal Code of Kazakhstan, Article 118: infection with HIV – deprivation of freedom for up to five years; placing another in danger of HIV infection—administrative arrest of up to 50 days, [https://online.zakon.kz/document/?doc\\_id=31575252](https://online.zakon.kz/document/?doc_id=31575252)  
Criminal Code of Kyrgyzstan, Article 149: infection with HIV – deprivation of freedom for up to five years; placing another in danger of HIV infection—deprivation of freedom for up to 2.5 years, <http://cbd.minjust.gov.kg/act/view/ru-ru/111527>  
Criminal Code of Tajikistan, Article 125: infection with HIV – deprivation of freedom for up to two years, [http://continent-online.com/Document/?doc\\_id=30397325#pos=1036;-58](http://continent-online.com/Document/?doc_id=30397325#pos=1036;-58)  
Criminal Code of Turkmenistan, Article 119: placing another in danger of HIV infection – deprivation of freedom for up to three years, [http://www.untuk.org/publications/legislation/ug\\_kod/rz\\_07.htm#st119](http://www.untuk.org/publications/legislation/ug_kod/rz_07.htm#st119)  
Criminal Code of Uzbekistan, Article 113: for placing another in danger of infection or AIDS – deprivation of freedom for up to five years, [http://continent-online.com/Document/?doc\\_id=30421110#pos=975;-58](http://continent-online.com/Document/?doc_id=30421110#pos=975;-58)

46 "The government of Turkmenistan does not publish HIV/AIDS statistics, but does provide infected people with iodine and condoms," Radio Azatlyk, December 2019, <https://rus.azathabar.com/a/30303710.html> [in Russian]

47 "On the life of HIV-positive citizens of Turkmenistan, a country where AIDS cases 'have been reduced to zero,'" Fergana, June 2019, <https://fergana.news/articles/107863/> [in Russian]

48 Law "On Combatting the Spread of the Illness Caused by the Human Immunodeficiency Virus (HIV Infection)" of March 26, 2016, <http://www.parahat.info/law/2016-04-06-zakon-turkmenistana-o-protivodeystvii-rasprostraneniya-zabolevaniya-vyzvaemogo-virusom-immunodeficitna-cheloveka-vich-infekciya> [in Russian]

*When a gay man from Uzbekistan learned that he was living with HIV, he found a job as a social worker and started helping people living with HIV. He observed that HIV-positive people were treated with bias not just by society and their families, which cut off relations with them, but also by medical personnel, who could simply refuse to provide care. He used social media to notify MSM about risks and ways to prevent HIV infection. A short time later, he started receiving threats and was sought out at his previous residence. He was forced to leave his job and move, and was left without work and the opportunity to socialize safely.<sup>49</sup>*

Penitentiary facilities, where convicts are often the victims of sexual violence, and repeat convictions present separate risk factors for men in countries where MSM is criminally prosecuted.<sup>50</sup> In Turkmenistan gay men can be imprisoned under two articles simultaneously: for their sexual orientation and for spreading HIV:

*A gay man was infected with HIV when he lived in Russia. Upon his return to Turkmenistan, he spent about six weeks thinking about seeing a doctor. When he gave blood, workers at the AIDS center told him to return with his documents. Police officers were waiting for him in the doctor's office. They asked him where and under what circumstances he was infected, but he couldn't say that he was gay. The next evening, the police arrested, interrogated, and beat him. "They said: 'We know where you got HIV from. We know you're a homosexualist.'" They showed him the confession of another gay man stating that he knew this man and transcripts of their phone calls. The man signed the reports without reading them because he was being tortured and threatened. He was told that people would come for him "when the time was right." The police officers took his personal documents, but not his foreign passport, which he had left at home. The victim left the country and applied for asylum. He is now on the wanted list in his homeland and fears that he will be charged not just under Article 135, but also with spreading HIV.<sup>51</sup>*

Police officers in Tajikistan check the status of some LGBTI+ people arrested during raids and sham dates. According to informants, the police keep a record of LGBTI+ and HIV-positive people:

*The bloodwork of a gay man who had been arrested showed he was HIV-positive. He was "added to the list of gay people and the list of HIV-positive people." "And if you've already been added to these lists, then you will be summoned from time to time, so it's better to just leave the country right away. If you can't leave the country quickly, you'll pay \$200 every three months." (On the situation in Tajikistan in 2017, ADC Memorial interview, January 2019)*

Biases against HIV-positive people and homophobia are also widespread among medical personnel, who may notify police officers of their patients' HIV status and SOGI, so LGBTI+ people are afraid to seek help from AIDS centers.<sup>52</sup> In an attempt to conceal their sexual orientation from doctors, LB women sometimes say they are sex workers when they want to be tested for HIV. There have been cases where strangers or relatives learned of a person's status when doctors broke doctor-patient confidentiality. Possible consequences include expulsion from the family and home, broken social ties, refusal of services, and many other things, including threats and violence.

Because of this harsh stigmatization, many LGBTI+ people living with HIV do not take therapy and live in constant fear of their status becoming known. For example, many members of the community in Uzbekistan put their health at risk and stopped going to AIDS centers for therapy in fear of increasing homophobic persecutions and attacks. The situation is most dramatic for HIV-positive transgender people, and not just because it is harder for them to access medical care because their appearance does

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49 No one's hiding behind a rainbow (18+)," Fergana News Agency, September 2019, <https://fergana.agency/articles/110271/> [in Russian]

50 Based on information provided by victims from Turkmenistan, March 2020. "The Life of LGBT People in Turkmenistan," report by Kyrgyz Indigo, 2019, pg. 20, <https://indigo.kg/wp-content/uploads/2020/03/Жизнь-ЛГБТ-людей-в-Туркменистане2.pdf> [in Russian]

51 "Hetero territory: how Turkmenistan's gays are fleeing persecution," Radio Svoboda, April 2020, <https://www.svoboda.org/a/30520130.html> [in Russian]

52 "Many are killed by their relatives." What Tajik gays are fleeing," Lenta.ru, October 2017, [https://lenta.ru/articles/2017/08/27/chon\\_tojikiston/](https://lenta.ru/articles/2017/08/27/chon_tojikiston/) [in Russian]

not match their documents and because of their fear of repressions, but also because of the false notion that it is harmful to take antiretroviral therapy and hormone replacement therapy at the same time. This is why some people prefer to take hormone replacement therapy and ignore the vitally-important antiretroviral therapy.

Out of all the countries in the region, the situation of HIV-positive people is most favorable in Kazakhstan and Kyrgyzstan, especially in the capital cities and other large cities: Many HIV-positive members of the community regularly take therapy, including thanks to the work of NGOs that provide information and psychological care, work on HIV prevention, distribute protection, and assist in providing ART. Nevertheless, these services are not as accessible to LB women, who are not the target audience of these programs.

HIV-positive status is yet another factor that contributes to the exclusion of LGBTI+ people from full-fledged participation in different parts of life. For example, employers' illegal demands for certificates attesting to HIV status violate the rights of people living with HIV and result in reduced opportunities for employment. This complicated situation increases the likelihood of suicide: In 2018, Kyrgyz Indigo recorded twice as many suicide attempts among LGBTI+ people living with HIV in Kyrgyzstan in comparison with HIV-negative members of the community.<sup>53</sup>

## **A TRAGIC ANACHRONISM: THE CRIMINALIZATION OF CONSENSUAL SAME-SEX RELATIONSHIPS BETWEEN MEN IN TURKMENISTAN AND UZBEKISTAN**

In post-Soviet times, provisions concerning criminal prosecution for consensual sex between adult men were removed from the laws of all countries in the region with the exception of Turkmenistan and Uzbekistan, where it is still considered a crime “*in the sphere of sexual relations*” in Turkmenistan and a “*sexual offense*” in Uzbekistan. For more information on the revocation of this article in Central Asia countries, see the Annex to this report.

These criminal code provisions, which retain untenable terminology, contravene not just the fundamental principles of international law and the core conventions, but also even these countries' constitutions, which place people above other values of society and the state and propound guarantees of social protection for each person, equal human and civil rights, freedom, and personal inviolability.

There is no doubt that the presence of a legal norm concerning criminal prosecution of MSM makes their situation even more vulnerable, even though it is rarely applied in Uzbekistan and especially because it is applied on a large-scale in Turkmenistan. Legitimized criminal prosecution helps to maintain a high level of homophobia in society and keeps more people than just MSM in a state of constant fear: This article opens up broad opportunities for blackmailing other men regardless of their sexual orientation, including men who are involved in the opposition, are viewed as “undesirable,” and are socially and politically active.

Rare public statements in favor of cancelling criminal prosecution of MSM in both Uzbekistan and Turkmenistan have only resulted in intensified repressions, including increased raids and cases of blackmail, an escalation of pressure on LGBTI+ people in general in Uzbekistan, and a true hunt for LGBTI+ people in Turkmenistan.

**Article 120 of the Criminal Code of the Republic of Uzbekistan** is titled “*Besakalbazlyk*” (“*muzh-elozhstvo*,” sodomy, lit. lying with men)<sup>54</sup> and punishes “sexual contact between men without violence” with one- to three-year terms. In addition, there is a separate offense for “satisfaction of sexual needs in a perverse form” stipulated in Article 119 along with numerous qualifying elements.

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53 Report of ADC Memorial and Kyrgyz Indigo for Kyrgyzstan's UPR, July 2019, [https://adcmemorial.org/wp-content/uploads/upr\\_kyrgyzstan\\_adc\\_memorial\\_kyrgyz\\_indigo\\_june2019\\_rus\\_final-1.docx](https://adcmemorial.org/wp-content/uploads/upr_kyrgyzstan_adc_memorial_kyrgyz_indigo_june2019_rus_final-1.docx)

54 Criminal Code of the Republic of Uzbekistan, [http://fmc.uz/legisl.php?id=k\\_ug\\_21](http://fmc.uz/legisl.php?id=k_ug_21) [in Russian]



Over five years ago, human rights defenders documented the mass application of Article 120, and not just in relation to MSM, when they found that almost 500 men were in prison under Article 120. This article was applied as a repressive measure against some political prisoners, members of the opposition and NGO workers regardless of their sexual orientation.<sup>55</sup> In recent years, law enforcement agencies and government officials have threatened members of the opposition, who were blackmailed or forced to make confessions,<sup>56</sup> and journalists, who were required to reject undesirable publications,<sup>57</sup> with criminal prosecution under Article 120.

The number of known cases of MSM being prosecuted for “*muzhelozhstvo*” has been low in recent times—these cases are rarely reported on in the media (for example, a report on the instigation of a criminal case under Article 120 against two men after a forensic medical examination confirmed sexual contact between them, November 2017)<sup>58</sup> or on Telegram channels (for example, a case in September 2019, when a person who rented rooms to gay men was arrested; the fate of the gay men was not mentioned, but Uzbek LGBTI+ activists believe it is likely that they were convicted under Article 120).<sup>59</sup>

Fear of repressions stops LGBTI+ people from speaking about their problems in the media or on social media or with human rights defenders—informants report a sense of hopelessness and do not believe that the situation can be changed for the better. Against this backdrop, a rare exception is the widely-known case of **Shokhrukh Salimov**, who openly stood up for the protection of all LGBTI+ people in Uzbekistan in spite of the risk of criminal prosecution.

In July 2018, Salimov was arrested and charged with violating Article 120. His childhood friend, who, it turned out, was working for the police, set up a sham date in his apartment. At the precinct, police officers spent several hours torturing, humiliating, beating, and deriding Salimov, threatening him with sexual assault, outing, and prison, and blackmailing him with a recording made by the officers who barged into the apartment. Salimov was released with a promise not to leave the city without notifying the police when he was able to find the money for the bribe (\$2,000) and was told that he should be prepared to cooperate with the police and compromise other LGBTI+ people. Salimov left Uzbekistan as soon as he could and requested asylum in a country that also cannot be considered safe.

Salimov recounted the torture he experienced at the precinct:

*“They tortured me, beat me with plastic pipes, tied my hands behind my back, hung me up by my arms, and beat me in the stomach and chest instead of my face so that there would be no traces, they tried to rape me with a baton. I begged for them to stop, but they said: ‘Scream as much as you want, no one will hear you anyway.’ I begged for death, I was in hell. There’s probably no point in telling you about the insults, nine out of 10 words were insults, words that I had never heard from anyone in my life.*

*“I thought it was finally over when another officer in civilian clothes entered the room. He asked why the officers had behaved this way with me, and they told him I was being arrested under Article 120. They lowered me down onto the floor, I couldn’t move. Then the officer in civilian clothes started hitting my head with a plastic tube and jumping on my stomach.*

*“I was exhausted and was ready to sign any paper, to give away anything just to get out of there faster. They demanded a bribe of \$2,000 and threatened me with exposure and prison.” (Interview with Sh. Salimov, ADC Memorial, October 2019)*

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55 Report to UPR by the NGO Cagsan, September 2017 [https://www.upr-info.org/sites/default/files/document/uzbekistan/session\\_30\\_-\\_mai\\_2018/cagsan\\_upr30\\_uzb\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/uzbekistan/session_30_-_mai_2018/cagsan_upr30_uzb_e_main.pdf) [in English]

56 Azattyq TV. “Asia: Who Killed a Gay Man from Uzbekistan and Why.” YouTube video. September 2019. <https://youtu.be/lbH3mmxk94w> [in Russian]

57 “I can turn you into a gay man.” Tashkent mayor threatens journalists, who later stated that ‘misunderstanding has been cleared up,” Current Time, November 2019, <https://www.currenttime.tv/a/tashkent-gay/30277841.html> [in Russian]

58 “Men with a non-traditional sexual orientation arrested in Tashkent,” UzNews, November 2017, [https://uznews.uz/ru/article/7879?\\_utl\\_t=fb](https://uznews.uz/ru/article/7879?_utl_t=fb) [in Russian]

59 This news was published on the channel <https://t.me/markaziytv> on November 1 under the title: 60 ming so’m evaziga uyini BUZUQLARGA BERDI

In March 2019, the Russian LGBT Network published a video interview with Salimov, in which he spoke about the incident and about the critical situation of LGBTI+ people in Uzbekistan without covering his face.<sup>60</sup> On July 24, 2019, Salimov sent the Uzbek president a letter requesting the revocation of Article 120,<sup>61</sup> and on August 8 again addressed him in an open video appeal, adding a request to adopt a law on LGBTI+ rights.<sup>62</sup> On August 18, Salimov spoke on behalf of LGBTI+ activists from Uzbekistan on Radio Ozodlik, again demanding the revocation of Article 120. The next day, police officers went to his parent's home, stating that they were seeking Salimov to put him in jail.<sup>63</sup> His brother wrote him about this and threatened to kill him.

Because of these incidents, Salimov has not been able to maintain normal ties with his relatives: *"They cursed me and no longer consider me a member of the family."* Even though Salimov is now outside of Uzbekistan, he is scared to go outdoors and feels under constant threat from Uzbeks: *"My own brothers threatened to find me and kill me."* There is a risk that his asylum application will be denied. A migration service worker told him about the risk of extradition to Uzbekistan and advised him to leave as soon as possible for his own safety.

The Uzbek government and the president himself have not publicly responded to Salimov's appeal, but after the appeal his family came under pressure and members of the LGBTI+ community began to sense additional pressure and a growth in homophobic violence and attempts at intimidation. For example, raids, sham dates, and blackmail all increased in frequency. Activists learned that the government ordered the creation of groups to seek out LGBTI+ activists in the country in response to the video appeal.

**Article 135 of Turkmenistan's Criminal Code** *"Muzhelozhstvo,"*<sup>64</sup> which is defined as "sexual contact between men," stipulates "up to two years' imprisonment and the obligation to live in a certain area for a period of two to five years."<sup>65</sup>

However, qualifying elements can increase the maximum punishment by a factor of 10. For example, using threats or physical violence or taking advantage of the victim's helpless state is punishable by a three- to six-year prison term (Part 2 of Article 135). The perpetration of these acts repeatedly or "by two or more people" / "a group in collusion," against a minor, or resulting in "infection with a venereal disease" is punishable by a five- to ten-year term (Part 3 of Article 135). People who commit the actions described above (parts 2 and 3 of Article 135) against a person under the age of 14 or resulting in death, "grievous bodily harm," or "HIV-infection" (Part 4 of Article 135) face the longest terms (from 10 to 20 years).

The obligation to live in a certain area effectively means exile from the city to sparsely populated areas where other persons previously convicted of especially dangerous crimes live. It also involves the obligation to report to local law enforcement three times a week and bans travel to the place where the convict previously resided. According to some data, it is extremely rare that this measure of exile is used for crimes under Article 135 if the act at hand is a consensual act between men over the age of 17 or 18 (ADC Memorial field materials, March 2019).

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60 Russian LGBT Network. "On the treatment of LGBT people in Uzbekistan." March 2019. <https://youtu.be/bJyXEqdz-kc> [in Uzbek]

Russian LGBT Network. "On the treatment of LGBT people in Uzbekistan." March 2019. <https://www.youtube.com/watch?v=sIEACY8Hxzg> [in Uzbek]

61 "LGBT community sends request to President Mirziyoyev to remove the 'muzhelozhstvo' article from the Criminal Code," Radio Ozodlik, July 2019, <https://rus.ozodlik.org/a/30071738.html> [in Russian]

62 LGBT Uzbekistan. "Prezidentga murojat. LGBT." August 2019. <https://www.youtube.com/watch?v=Sp5RwAy3v68> [in Uzbek]

63 "Gay activist who appealed to President Mirziyoyev now sought by the police," Radio Ozodlik, August 2019, <https://rus.ozodlik.org/a/30119816.html> [in Russian]

64 Criminal Code of the Republic of Turkmenistan, [http://minjust.gov.tm/ru/mmerkezi/doc\\_view.php?doc\\_id=8091](http://minjust.gov.tm/ru/mmerkezi/doc_view.php?doc_id=8091) [in Russian]

65 According to the State Department's 2014 Country Report on Human Rights Practices for Turkmenistan, this refers to a term in a labor camp. <https://www.state.gov/documents/organization/236866.pdf>

Punishments for MSM may be stiffened, since many gay men are charged with multiple counts, frequently under the following articles: “Satisfaction of Sexual Needs in Perverse Forms” (Article 136) and “Implicating a Minor in the Perpetration of a Crime” (Article 155).

The practice of charging under Article 136 along with Article 135 is pervasive regardless of the consensual nature of the sex or even if actions covered by Article 136 took place (use of physical force, threats of physical force, taking advantage of the victim’s helpless state). Pressure from law enforcement officers compels the accused to sign any kind of confession. Oral sex is the most frequent element classified under this article and adds from two to six years to the prison term. Other parts of Article 136 stipulate qualifying elements that increase the term of punishment to eight years (perpetration of a crime repeatedly or “by two or more people” / “a group in collusion,” or resulting in serious consequences) and to up to ten years (for perpetrating the acts described in Article 136 against a minor). Charges under Article 155, which stipulates punishment for “implication of a minor in the perpetration of a crime by a person over the age of 18,” may be added to charges under articles 135 and 136. In this way, the punishment may be increased to three or even eight years (in the case of threats or violence) or ten years (for implicating a minor in an organized criminal group). Prison terms can also be lengthened by the widespread practice whereby several cases are joined into one (up to several dozen people) with no grounds to add the charge of commission of a crime by a group of people.

In 2013, over 20 people were charged under articles 135, 136, and 155 (in some cases, all three articles were used). According to an ADC Memorial informant, the case was heard in court in one hour and testimony compelled by torture formed the basis for the charges. The defendants received the longest sentences under all the articles together, with some sentenced to a 15-year term. Charges under all these articles entail not just an increase in the term of imprisonment, but also the additional stigmatization of the accused both in prison and after release.

According to ADC Memorial respondents, from 2013 to 2015 at least 100 people per year were sentenced to terms under Article 135, while 40 to 45 people charged under this article were in prison in 2013 to 2014; some who had served their time were prosecuted again and given a new sentence.<sup>66</sup> In many cases, men in prison are not heard from for an extended period. For example, In August and September 2019, over 20 MSM disappeared in Ashgabat alone.<sup>67</sup> Members of the community assume that they are serving a sentence.

The accused provided evidence of torture during the investigation:

*“They interrogated people in different ways: they beat us, even broke one person’s arm, shocked us, beat us on the legs with batons, put on gas masks, strangled us, tied a five-liter bottle to our genitals, hit us on the bottom of our feet with clubs, undressed us in winter, poured water on the tile floor, made us wash it with our bodies. They held 16 people in a 2 x 2 meter cell for 14 days. We slept two to three hours a night and they interrogated and beat us the rest of the time. Who could withstand these interrogations? They’ll throw you in jail anyway, and no lawyer in Turkmenistan will help you.” (Interview about the 2013 events, ADC Memorial, March 2019).*

Prosecution for “muzhelozhstvo” is frequently linked with psychological, physical, and even sexual violence. As the evidentiary basis for the charges is being collected, men are subjected to the degrading procedure of an anal exam when they are being examined by forensic medical experts.

*“They tried to ‘correct’ us, they told us we had an illness. We stood in the hallway [of the pretrial detention center], undressed, in winter. They brought in what appeared to be sex workers and said, ‘Do something with them, we’ll cure you here.’ Right there in the hallway, in front of everyone, they forced us to have sexual contact with these women. One person was crying. Then they led the women out and beat us. They could have made us touch each other.*

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66 Ibid.

67 “The Life of LGBT People in Turkmenistan,” report by Kyrgyz Indigo, 2019, pg. 20, <https://indigo.kg/wp-content/uploads/2020/03/Жизнь-ЛГБТ-людей-в-Туркменистане2.pdf> [in Russian]

*Apparently they also have some disorders. Then they dragged us to the doctors, who did an anal exam to prove that we are gay.” (Interview about the 2013 events, ADC Memorial, March 2019).<sup>68</sup>*

The detention conditions of people accused and convicted under Article 135 are, without a doubt, torturous. MSMs are subjected to special humiliations from both penitentiary workers and convicts.

*“At the detention facility, they formed a living hallway out of police officers. You run down it naked and they beat you with their batons. Then we had to squat for an hour to an hour-and-a-half. They shaved us completely until we started bleeding. One razor for everyone, even though someone could have had an illness. In prison [when you arrive at a new detention facility] you spend 15 days in quarantine and they beat you every morning. Everyone got up at 6 am, but as the lowest caste, we had to get up earlier to clean. I was lucky I [cleaned] offices, but others had to wash the toilets. The facility is a basement and there’s no glass on the windows. We slept on bare iron planks. It was hot in the summer and cold in the winter. There was no drinking water. They gave us only two liters per person: we bathed in it, drank it, and flushed the toilet with it. They took away what our relatives brought us [food, items]. The physical sufferings were nothing compared to what we suffered morally.” (On the situation in Turkmenistan in 2013, interview, ADC Memorial, March 2019)*

Unwritten prison rules make the lives of people imprisoned under articles 135 and 136 even more terrifying, men sentenced under Article 135 are often sexually assaulted in prison. In prison jargon, the cells holding MSM are called “harems”: Other convicts do not enter the “harems” and different food is served in dishes that are used only by them. Prisoners who have had physical contact with passive gay men are deemed “unclean” and become “pariahs.” MSM perform the most unpleasant, arduous, and humiliating jobs: They clean toilets and wash floors. They are not allowed in the kitchen. Sentences play an important role in the “harem’s” internal hierarchy: A person’s place is determined by the articles and acts they were charged with (for example, Article 136 – for oral sex). Many are not able to survive the endless physical, psychological, and sexual violence—reports have appeared in the media about suicides in prison:

*One man spoke about his visit to his gay friend, who was sentenced to two years under Article 135. “His legs were swollen, he was crawling. He said that he was being tormented, beaten, raped with a plastic bottle. My mother was very upset. We looked for people we could pay to get him out of there, but when we found them, he [killed himself] two days later. One of my relatives works at the medical examiner’s office. He said my friends knees were broken, his anal opening was torn, and he had lost almost all his teeth.”<sup>69</sup>*

After serving a term for committing a crime under Article 135, MSM are basically deprived of any opportunities for development or a full life. Prosecution for “muzhelozhstvo” amounts to being outed and causes irreparable harm to a person’s future life because they cannot continue studying or working or find a job and, of course, they are stigmatized by their friends, relatives, and society in general. As pariahs, they often become the victims of new criminal prosecutions and unfair trials. From the fall of 2019 to the winter of 2020, several people who previously served terms under Article 135 were prosecuted under it again (the arrests occurred at work and at home). The investigations and trials were not conducted fairly, and “recidivists” were given longer sentences.

A **video appeal made by Kasymberdy Garayev** serves as a rare and dramatic example of an open statement in favor of cancelling Turkmenistan’s repressive laws.

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68 See also the Human Rights Watch report “World Report 2017, Turkmenistan,” <https://www.hrw.org/world-report/2017/country-chapters/turkmenistan#e81181>; and the media reports: “Kick Him in the Dick! How Ashgabat Police Interrogate a Transgender Person,” Alternative News of Turkmenistan, May 2017 [in Russian], <https://habartm.org/archives/7077>; “Banned Homosexuality. New ANT Film Premieres in Oslo,” Alternative News of Turkmenistan, September 2015 [in Russian], <https://habartm.org/archives/3591>; “Interrogation with Bias: Police Deride Transgender Person, Radio Azattyq, May 2017 [in Russian], <https://rus.azattyq.org/a/turkmenistan-izdevatelstva-nad-transgenderom/28495056.html>.

69 “Hetero territory: how Turkmenistan’s gays are fleeing persecution,” Radio Svoboda, April 2020, <https://www.svoboda.org/a/30520130.html> [in Russian]

The doctor Kasymberdy Garayev was first arrested in February 2019 when a date he set up online turned out to be a sham. Connections helped him avoid prosecution under Article 135. He fled the country and changed his phone numbers, but his relatives found his contact information and threatened to find and kill him and the people who helped him. Fearing for his friends and himself, Garayev returned to Turkmenistan.

On October 21, 2019, Garayev published his video appeal demanding a stop to the persecution of LGBTI+ people in Turkmenistan.<sup>70</sup> He was summoned to the police almost immediately and then disappeared for 10 days.<sup>71</sup> Activists assume that Garayev's subsequent communication in which he retracted all his previous statements, including the one given to journalists from the independent Radio Azatlyk in the presence of his relatives, were given under pressure. At the prompting of the people present, Garayev said that he was fine, that he was going to work, and that his girlfriend was very upset by the false publications about him. He was last seen on November 14, 2019 at work. He was presumably charged under Article 135 and in the best case, he is under house arrest.

After Garayev's public statement and the announcement of the harsh sentence for this, Turkmenistan's Ministry of National Security launched a campaign to persecute LGBTI+ people: The police arrested several people Garayev knew (the police were able to gain access to the contacts, photos, and correspondence on his phone, including those of people who helped him live outside of Turkmenistan) and summoned other people previously prosecuted under Article 135 for "discussions."<sup>72</sup> Law enforcement agencies and medical workers started to "expose" LGBTI+ people among the community of doctors (journalists cite a government source who stated that the president of Turkmenistan was particularly scandalized by the fact that Garayev was educated as a doctor, just like the president himself). The police called on doctors to inform against their LGBTI+ colleagues and reminded them of their criminal liability for failing to report a crime (meaning under Article 135). Doctors were forced to undergo testing for sexually transmitted diseases at their own expense.<sup>73</sup>

In Turkey, unknown people visited people who helped Garayev twice at work and at home. Human rights defenders fear that the government intends to get these people expelled to Turkmenistan so they can be charged under Article 135 as part of a fabricated collective case against the previously detained acquaintances of Garayev. In late November and early December 2019, approximately 20 gay men who were citizens of Turkmenistan were arrested in Turkey. Activists assume that these men were taken back to Turkmenistan, where they could be blackmailed or imprisoned. This is not the first case of this kind of "cooperation" between the governments of these two countries.

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70 "Kasymberdy Garayev: Forgive me! I'm not guilty of anything!" Radio Azatlyk, October 2019, <https://rus.azathabar.com/a/30246405.html> [in Russian]

71 "Gay man who appealed to the media disappears in Turkmenistan after being summoned by the police," Radio Azatlyk, October 2019, <https://www.svoboda.org/a/30246872.html> [in Russian]

72 "People who served time for 'muzhelozhstvo' summoned for 'discussions' after the scandal with the gay doctor in Turkmenistan," Radio Azatlyk, November 2019, <https://rus.azathabar.com/a/30259582.html> [in Russian]

73 "Government of Turkmenistan 'exposes' gay men and women among doctors," Radio Azatlyk, November 2019, <https://rus.azattyq.org/a/turkmenistan-ministry-identify-gays-ans-lesbians-among-doctors/30251792.html> [in Russian]

# MANIFESTATIONS OF DISCRIMINATION IN VARIOUS AREAS OF LGBTI+ LIFE

LGBTI+ people in Central Asian countries face homophobia and discrimination in all areas of life: in everyday life, in the family, at educational institutions, and at work. The risk of becoming a victim of homophobic aggression from both individuals and groups of aggressors and from the police is extremely high. While the degree of public disapproval varies from country to country, LGBTI+ people cannot feel safe anywhere in the region.

## REPRESSIONS AND PERSECUTION OF LGBTI+ PEOPLE BY LAW ENFORCEMENT

Illegal discriminatory actions by police officers are a tragic daily occurrence for LGBTI+ people in Central Asia. Most respondents believe that the police pose the main threat to their life, health, and safety. Many LGBTI+ people are repeat victims of violence (physical, psychological, and, less frequently, sexual), threats, extortion and blackmail,<sup>74</sup> experience constant pressure from the police,<sup>75</sup> and suffer from special repressive practices (compilation of lists of LGBTI+ and HIV-positive people, special operations, raids, and round-ups). LGBTI+ people are accustomed to regularly buying off police officers who threaten to out them. Police impunity gives rise to new violations and normalizes blackmail, bribery, and inhuman treatment.

Most known cases of police persecution relate to MSM. There is less information available about the arbitrary treatment of LB women. Transgender people face harsher discrimination and violence from law enforcement officers, and this is particularly true for transgender women who are sex workers. Ethnicity is also an additional risk factor for violence.

Although the situation differs by country, police officers throughout the region apply discriminatory treatment and do not respond as they should to crimes against LGBTI+ people. There is no doubt that MSM in **Turkmenistan** and **Uzbekistan** are in the worst situation. In these countries, police officers have the right to arrest MSM and prosecute them for same-sex relations. Even though criminal prosecution of MSM ended over 20 years ago in **Tajikistan**, police officers continue to intimidate LGBTI+ people with criminal prosecution, taking advantage of their ignorance and the officers' own position of power. In **Kyrgyzstan**, most known cases of police violence and arbitrary treatment have been recorded in provincial areas, particularly in the south and in rural localities, as well as in relation to ethnic minorities. **Kazakhstan** has not had any widely known cases of police officers blackmailing LGBTI+ people, with the exception of cases involving transgender women engaged in transactional sex. These cases combine several factors of vulnerability, while the criminalization of transactional sex serves as the technical reason for extortion.

For LGBTI+ people in Tajikistan, Turkmenistan, and Uzbekistan (and for LGBTI+ people from ethnic minorities in Kyrgyzstan and provincial residents of Kazakhstan), interaction with the police is mainly connected with verbal abuse, the risk of being outed, blackmail, and inhumane treatment. ADC Memorial informants who suffered from illegal police actions affirm that all countries make broad and systematic use of tracking and sham dates, extortion, humiliation, and threats (including degrading medical exams in the presence of family members, or gang rapes in prison cells in countries that have criminal liability for MSM).

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74 "Many are killed by their relatives.' What Tajik gays are fleeing," Lenta.ru, October 2017, [https://lenta.ru/articles/2017/08/27/chon\\_tojikiston/](https://lenta.ru/articles/2017/08/27/chon_tojikiston/) [in Russian]

75 "Gay man from Tajikistan: 'We—the LGBT community—just want to live,'" February 2018, <https://news.tj/ru/news/tajikistan/society/20180209/gei-iz-tadzhikistana-mi-lgbt-soobtshestvo-hotim-zhit> [in Russian]

Police officers have different ways of setting up sham dates: They get to know potential victims online using fake names and then entice them into meeting in person or force other LGBTI+ people to meet with the victim and then organize an “unexpected” raid. Officers may record the victim on video during these “dates” so they can subsequently intimidate and blackmail them. Law enforcement officers usually extort money from LGBTI+ people by threatening them with outing or arrest (this is more typical for Turkmenistan and Uzbekistan, although there is evidence that police officers in Tajikistan sometimes threaten MSM with criminal prosecution). They force LGBTI+ to cooperate using physical, psychological, and, in some cases, even sexual violence.

*The police recruit some LGBTI+ people in exchange for their personal safety, and sometimes even for part of the extorted funds. Young people from small localities agree to help with sham dates: They arrive in a new city, rent an apartment for seven to ten days, and invite the target over after they become acquainted. From there, police officers pick the target up, sometimes charging them in parallel with “abuse of a minor” when the person who arranged the meeting is allegedly underage. (Interview with victims about the situation in Tajikistan, ADC Memorial, April 2019)*

*“They caught me in the entryway and took me to the basement. The same criminal police chief [who had previously arrested the interviewee] was sitting there, but he was wearing a mask (I recognized him by his voice); he accused me of abusing a minor [which did not happen]. They played a video of the confession of the rape victim. I did not know this young man. After that, they beat me, tortured me, sat me on a bottle, and forced me to write a confession about something that hadn’t happened. I had to do everything they asked, and they dictated an explanation to me. They took my written confession that I was in a homosexual relationship. Then they told me to call [a friend] to bring \$500 so that they could release me. They would have asked for more if they had learned I had relatives, and they [the relatives themselves] would have dug my grave after paying off the officers.” (Interview with victims about the situation in Tajikistan in 2015, ADC Memorial, January 2019)*

Sham dates generally end with arrest and blackmail, sometimes right in the police precinct, and in Turkmenistan often result in the instigation of a criminal case and imprisonment first of the victims,<sup>76</sup> and then of the provocateurs who helped the police set up these meetings.<sup>77</sup> In many cases, the people who have been arrested cannot even buy their freedom because the police are required to conduct regular criminal prosecutions under Article 135. The detainees must pay bribes to avoid being outed (informants named amounts ranging from tens and hundreds of dollars in Kyrgyzstan and Tajikistan to tens of thousands of dollars in Uzbekistan).

*Law enforcement officers demanded \$50,000 from a former deputy for not disclosing his sexual orientation. He paid it and left for another country in fear of further persecution. Even now he cannot provide more details about his case or about what has happened with other LGBTI+ people because he is scared that his relatives in Uzbekistan will be pressured. (On the situation in Uzbekistan, interview, ADC Memorial, November 2019)*

In order to find potential victims, law enforcement officers demand information from other LGBTI+ people, take their phones, read their correspondence, and hijack their contacts. This explains how random people end up at “interrogations.” Victims have recounted how plainclothes police officers, who are plentiful on the streets of Turkmenistan, can stop any person and ask to see the contents of their phone, which is why LGBTI+ people must delete any “suspicious” information from their phone before leaving the house.<sup>78</sup> There have been cases in Tajikistan where plainclothes officers make arrests on the basis of a tip and with the participation of other members of the community. Officers seek victims among wealthy people in senior positions who work at state agencies or in show business, but they are also not averse to victims who are less well-off.

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76 “Uzbekistan: Transgender man breaks stereotypes by opening up about himself,” March 2016, <https://kloop.kg/blog/2016/03/19/uzbekistan-muzhchina-transgender-lomaet-stereotipy-otkryto-zayavlyaya-o-sebe/>

77 “The Life of LGBT People in Turkmenistan,” report by Kyrgyz Indigo, 2019, pg. 20, <https://indigo.kg/wp-content/uploads/2020/03/Жизнь-ЛГБТ-людей-в-Туркменистане2.pdf> [in Russian]

78 “Hetero territory: how Turkmenistan’s gays are fleeing persecution,” Radio Svoboda, April 2020, <https://www.svoboda.org/a/30520130.html> [in Russian]

*A man was arrested at work and humiliated because of his orientation. At the precinct, the police beat him for eight hours and then released him. He received a call from officers two days later demanding \$200 for their silence and a list of other contacts. He was added to the “list of gays.” “Since you were added, you’ll be summoned periodically, so it’s better to leave the country right away. If you can’t leave quickly, you’ll have to pay \$200 every three months.” He was able to get a Schengen visa and leave. (On the situation in Tajikistan in 2017, interview with ADC Memorial, January 2019)*

In Kyrgyzstan and Tajikistan, ethnicity can put LGBTI+ people at additional risk for police violence and arbitrary treatment because ethnic minorities have no representation in law enforcement bodies (this has happened to Uighurs and Uzbeks in Kyrgyzstan and Pamiris in Tajikistan):

*“Here’s what usually happens: a police officer creates a fake account on a dating site, gets to know a gay man, and starts extorting money from him, threatening to out him. The gay man usually hands over the money to avoid being outed. Then the officer demands the names of gay men ‘Uzbeks, preferably married and preferably three.’ (Interview with an activist conducted by Kyrgyz Indigo for a joint report with ADC Memorial, March 2018)*

*“They arrest people, take their phones, and copy down all the numbers. You fall into a stupor because you understand that ‘you are illegitimate, guilty.’ You’re scared, you remain silent, you’re at a loss: If only they would release you, if only your family doesn’t find out. This is a tried-and-true scheme for psychological pressure. They [police officers] coerce you into a conversation. They are especially ‘pleased’ when they learn someone is Pamiri.” (On the situation in Tajikistan, interview, ADC Memorial, January 2019).*

Police persecution of transgender women is notable for its extreme heavy-handedness in all Central Asian countries. The methods include “sham dates,” during which officers take their phones and insult, beat, blackmail, and rape transgender women and force them to cooperate.<sup>79</sup> Informants from Uzbekistan reported that they knew of a case where a transgender woman was killed by police officers (it was not possible to verify this information). Transgender women in Turkmenistan and Uzbekistan are the most vulnerable:

*In 2017, a video of the interrogation of a man dressed in women’s clothing appeared online in Turkmenistan. Threatening violence, the police forced them to undress and remove their underwear to see their genitals and “determine” their biological sex.<sup>80</sup>*

*In May 2019, law enforcement officers in Uzbekistan stood watch at the entrance to a transgender woman’s building. They had previously repeatedly arrested her, beaten her, humiliated her, and demanded contact information from other members of the community. As a result, she couldn’t go to work and was even scared to go out for groceries in fear of new humiliations and interrogations. (Interview about the situation in Uzbekistan, ADC Memorial, May 2019)*

Law enforcement bodies in Tajikistan, Turkmenistan, and Uzbekistan carry out raids that result in the compilation of lists of LGBTI+ people that are then used for repressive purposes.

For example, officers conducted a wave of mass raids in Tajikistan in the fall of 2017. Law enforcement agencies discovered and copied the data of LGBTI+ people, following up with illegal arrests, threats, extortion, torture, and inhumane treatment:

*“My friends who were raided had their phones taken away and received offers of work [giving up other gay people]. Sometimes officers told them that they were going to reinstate the article on ‘muzhelozhstvo’ in the Criminal Code.” (On the situation in Tajikistan, interview, ADC Memorial, January 2019)*

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79 “Transgender woman Karina recounts why she fled Uzbekistan,” Tengrinews, May 2018, [https://tengrinews.kz/strange\\_news/transgender-karina-rasskazala-pochemu-sbejala-iz-uzbekistana-343517/](https://tengrinews.kz/strange_news/transgender-karina-rasskazala-pochemu-sbejala-iz-uzbekistana-343517/) [in Russian]

80 “Kick him in the genitals! How Ashgabat officer interrogate a transgender person,” Alternative News from Turkmenistan, May 2017, <https://habartm.org/archives/7077> [in Russian]



Approximately 310 gay men and almost 50 lesbians<sup>81</sup> were identified and placed on special lists as a result of the special operations “*Akhlok*” (“Morality”) and “*Tozakuni*” (Cleanup)<sup>82</sup>, which were conducted by the Ministry of Internal Affairs and the Procurator General’s Office “to register people violating public order who are members of vulnerable groups.” The authorities explained these illegal arrests as preventive measures against HIV. Attention from the international community helped bring about a temporary pause in these widespread violations, but isolated arrests continued. In 2019, however, law enforcement officers started adding to the list again. Some members of the community believe that this list will be used over the next few years for several purposes, including never-ending blackmail.

Even though several police officers were arrested for blackmailing LGBTI+ people<sup>83</sup>, many members of the community believe that this was only for show and did nothing to change the overall situation (interview, ADC Memorial, April 2019).

Informants reported that during raids in **Uzbekistan** the police try to arrest several MSM at once to charge them with sexual contact, regardless of whether this is true or not. The victims are given a choice: Pay the bribe, or go to prison under Article 120. Detainees are often beaten and recorded on video, threatened with being outed, and induced into cooperating; some are forced into sexual encounters before being released. People who have no other choice agree to cooperate, and the police set monthly “norms” for them (for example, help arrest another two to four people). Even though the police in Uzbekistan rejected raids after the killing of Shokir Shavkatov in September 2019,<sup>84</sup> victims have reported that LGBTI+ people were arrested during raids in August 2019. In one case, the police showed up unexpectedly at a place where GBT men gather at night. Some of the people arrested were forced to cooperate with the police under the threat of being outed. Activists link this event to the appearance of a video appeal concerning the revocation of Article 120<sup>85</sup> and to news about the arrest of two gay men in a Tashkent apartment and the instigation of a criminal case under Article 120 against them.<sup>86</sup> One informant reported that the Uzbek police have lists of LGBTI+ people that include almost 500 names (interview, October 2019). There is no doubt that these lists are regularly used for blackmail and persecution, just as they are in Tajikistan.

*In the summer of 2019, police arrested men embracing in a public place (late at night, in the darkness). At the precinct, the officers loudly announced that they had “brought in two gays” and then sat them in the hallway because the offices were occupied. The men were insulted by officers who walked by them. The police charged them under Article 120, photographed them, and filled out forms on them. One of the victims was able to run away. He hid for a couple of hours and then made his way home. He didn’t leave his house again for several months in fear of persecution. Nothing is known about the fate of the second man. (On the situation in Uzbekistan, interview, ADC Memorial, December 2019)*

Raids are held regularly in **Turkmenistan**, primarily to create “links”<sup>87</sup> between criminal cases under Article 135. Arrests and summons take place in waves, so when other LGBTI+ people learn of them, they try to go into hiding temporarily and wait out the active phase of the repressions. It can be concluded from victims’ stories that law enforcement agencies have information about which people are members of the LGBTI+ community and keep lists at least of MSM, since they repeatedly prosecute the same people under Article 135 without any additional grounds, which they would need for a first conviction.

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81 “Tajikistan counts all gays and lesbians,” Asia Plus, October 2017, <https://news.tj/ru/news/tajikistan/society/20171018/v-tadzhikistane-nachali-stavit-na-uchet-geev-i-lesbiiyanok>

82 “Vulnerable group: Tajikistan counts members of the LGBT community,” Sputnik Tadjikistana, October 2017, <https://ru.sputnik-tj.com/country/20171018/1023645282/-tadzhikistan-bolee-300-uchastnikov-lgbt-soobshchestva-uchet-uyazvimuyu-gruppu.html>

83 “Police officers in Tajikistan arrested for blackmailing gays,” Current Time, February 2018, <https://www.currenttime.tv/a/29038934.html>

84 “Shokir Kh. met his killer online,” website of the Main Department of Internal Affairs for Tashkent, <https://iibb.uz/ru/news/so-svoim-ubijtsej-25-letnij-shokir-h-poznakomilsja-v-internete>

85 LGBT Uzbekistan. “Prezidentga murojat. LGBT.” August 2019. <https://www.youtube.com/watch?v=Sp5RwAy3v68> [in Uzbek]

86 “Gay men arrested in Tashkent,” UPL 24, July 2019, <https://upl.uz/incidents/11847-news.html> [in Russian]

87 For more on this, see the chapter “Criminal Prosecution of MSM.”

*In March 2020, it became known that over 10 people, including a famous artist, were arrested in Turkmenistan under suspicion of violating Article 135. Some people were able to buy their way out of an investigation, but others remained under investigation.<sup>88</sup>*

Transgender women and crossdressers who are sex workers are particularly vulnerable in the run-up to raids: They are easy to find through ads for sex services and “massages,” while prostitution as such is illegal in all Central Asian countries except Kyrgyzstan (where only involvement in prostitution and the organization of brothels are illegal; this is what is used to browbeat transgender women). Police officers force clients and other LGBTI+ people to orchestrate situations where transgender women can be arrested or to provide information about a future victim. Sometimes the officers themselves show up in plainclothes, pretending to be clients. Round-ups of transgender people working in the sex business take place regularly and are accompanied by different forms of violence, including sexual assault:

*Mass arrests of gays and transgender people working in the sex business took place in Uzbekistan in late 2019. As a result, the accounts of hundreds of people disappeared from social media, where they had previously advertised their services. (Interview about the situation in Uzbekistan, ADC Memorial, November 2019)*

*In the winter of 2016, a video of law enforcement officers raiding a crossdresser’s apartment was made publicly available. The police threatened and beat him.<sup>89</sup>*

*“An acquaintance once met this guy, they corresponded for a week and then set up a date. They were in the apartment [at home]. They’re a transgender woman in appearance. The doorbell rang, they opened the door, three cops were standing there. The cops grabbed my friend and said: either we take you in or you service the three of us now. My friend was with them until the morning. And it wasn’t enough that they serviced the cops, the cops took money from them as well. Then they were able to run away. They couldn’t return to that apartment after that.” (fall of 2018, interview about the situation in Tajikistan, ADC Memorial, April 2019)*

## **HATE SPEECH AND CALLS FOR VIOLENCE IN INFORMATION AND PUBLIC SPACE**

In Central Asia, the topic of sexual orientation and gender identity in public space is taboo to varying degrees. The government of **Turkmenistan** denies the existence of LGBTI+ people in the country, and this topic is not addressed in the media.

In **Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan**, religious and political figures publicly condemn LGBTI+ people. The previous president of Uzbekistan called members of the community mentally ill (2016),<sup>90</sup> while an imam in Tashkent warned people not to watch Turkish TV series to avoid “conceiving lesbians and gays” (2018).<sup>91</sup> The head of the Islamic Center of Tajikistan stated that he was ashamed to speak about SOGI (2017),<sup>92</sup> and the country’s chief psychiatrist announced that he was pre-

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88 “Famous showman arrested in Ashgabat under suspicion of homosexuality,” turkmen.news, April 2020, [https://turkmen.news/human-rights/gay-turkmenistan/?fbclid=IwAR1bsYdCLzuxXt8tUvMz2cxKwEcyWIEtAc3eIRuh\\_tJgyV5d7JvQ-mnq38Y](https://turkmen.news/human-rights/gay-turkmenistan/?fbclid=IwAR1bsYdCLzuxXt8tUvMz2cxKwEcyWIEtAc3eIRuh_tJgyV5d7JvQ-mnq38Y) [in Russian]

89 “Police in Uzbekistan beat, insult, and humiliate a transvestite,” Radio Ozodlik, January 2016, <https://rus.ozodlik.org/a/27473059.html> [in Russian]

90 “Islam Karimov calls gay people ‘mentally ill’,” Radio Ozodlik, February 2016, <https://rus.ozodlik.org/a/27536052.html> [in Russian]

91 “Tashkent imam states that Turkish TV series are harmful to the country’s gene pool,” Radio Ozodlik, December 2018, <https://rus.ozodlik.org/a/29084520.html> [in Russian]

92 “I am ashamed to have to speak about this in a mosque,” said Saidmukarram Abdulkodirozda, head of the Islamic Center of Tajikistan, during Friday prayers at Dushanbe’s Central Mosque. “Homosexuals in Tajikistan: It’s easier to be a drug addict than a gay person,” Open Asia, May 2017, <http://theopenasia.net/articles/detail/gomoseksualisty-v-tadzhikistane-legche-byt-narkomanom-chem-geem/> [in Russian]

pared to treat this deviation “with a guarantee” (2018).<sup>93</sup> A deputy in Kazakhstan spoke about restoring criminal liability for MSM, and judges and political analysts have proposed dealing with gay people “like they do in Chechnya” or castrating them (2019).<sup>94</sup> In Kyrgyzstan, a female deputy warned that the country was at risk of turning into “Gaystan” (2019),<sup>95</sup> and members of the Kyrk choro movement planning to run for parliament threatened<sup>96</sup> a feminist and LGBTI+ activist on live television (2019). The question of the rights and situation of LGBTI+ people in Kyrgyzstan has become highly politicized: Opponents use it for their own machinations by setting it against traditional values.

Show business stars also spread hatred of LGBTI+ people. The Uzbek folk singer Humoyan Mirzo released a song called “*Bachchavolar*”<sup>97</sup> (“Homosexuals” in translation from the Uzbek). This clip, which has over 368,000 views, ends with the image of a man who has been beaten as if to demonstrate what should be done with gay people. Most of the several hundred comments on the video are hateful. The singer Manzura came out strongly against homosexuality and has long criticized the well-known transsexual Jasmin. Manzura’s song against sex work and same-sex marriage<sup>98</sup> collected 900,000 views in one year and 905 positive comments on YouTube.

Unfortunately, the public homophobic statements made by officials and contained in “works of art” have yet to be given a legal review and have gone unpunished, which encourages their authors to spread hate and gain popularity in this manner.

Materials about SOGI in Uzbek media are not intended to be informative, but are instead propagandistic and homophobic in nature. For example, the author of an article on the “threat of homosexuality’s spread” in Uzbekistan, which he links with an increase in social media posts about SOGI, believes that a gay man’s death was not a reason to revoke Article 120. He called on journalists and bloggers to declare the topic of homosexuality taboo.<sup>99</sup> Another analyst described the danger of an international “LGBT lobby” and named specific officials allegedly involved in homosexual relationships.<sup>100</sup>

Direct calls to violence by journalists and bloggers have caused a jump in the number of attacks against LGBTI+ people and raids organized by homophobes. One blogger<sup>101</sup> posted a video<sup>102</sup> of himself setting up a meeting with a gay man to “punish” him. Another blogger<sup>103</sup> made a video<sup>104</sup> explaining

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93 “We treat with a guarantee’: What the chief psychiatrist of Tajikistan proposes doing with LGBT people,” Current Time, October 2018, <https://www.currenttime.tv/a/29548825.html> [in Russian]

94 “LGBT people in Ertysbaev’s world,” Kok.Team, September 2019, <https://www.kok.team/ru/2019-09-02/lgbt-v-mire-ertysbaeva> [in Russian]  
“Should gay parades be banned in Kazakhstan?” 365 info.kz, August 2019, <https://365info.kz/2019/08/nuzhno-li-zapreshhat-gej-parady-v-kazahstane> [in Russian]

95 “Deputy on the March 8 march: ‘We’re turning Kyrgyzstan into Gaystan,’” Kaktus Media, March 2019, [https://kaktus.media/doc/388140\\_depytat\\_o\\_marshe\\_8\\_marta:\\_my\\_prevratimsia\\_iz\\_kyrgyzstana\\_v\\_geystan.html](https://kaktus.media/doc/388140_depytat_o_marshe_8_marta:_my_prevratimsia_iz_kyrgyzstana_v_geystan.html) [in Russian]

96 “We know where you live.’ Leader of Kyrk Choro threatens feminists on live TV,” Kaktus Media, March 2019, [https://kaktus.media/doc/388150\\_my\\_znaem\\_vashi\\_adresa\\_lider\\_kyrk\\_choro\\_v\\_priamom\\_efire\\_ygrojal\\_feministkam\\_video.html](https://kaktus.media/doc/388150_my_znaem_vashi_adresa_lider_kyrk_choro_v_priamom_efire_ygrojal_feministkam_video.html) [in Russian]

97 Clip of the singer Humoyan Mirzo – Bachchavozlar, February 2017, <https://www.youtube.com/watch?v=W1-nAe2itBc>

98 Manzura – Ay zolim, <https://www.youtube.com/watch?v=zETvkeF2zKI>  
“The singer Manzura is preparing a song against prostitution and same-sex marriage,” UPL 24, September 2018, <https://upl.uz/obshchestvo/8275-news.html>

99 “Are ideas about homosexuality being implanted in society?” National News Agency of Uzbekistan, October 2019, <http://uza.uz/ru/society/nabyudayutsya-li-signaly-vnedreniya-idei-gomoseksualizma-16-10-2019>

100 “General of the 120th level,” September 2019, <https://telegra.ph/General-120-urovnnya-09-06>

101 Nazarov Mashkhar, editor of the YouTube channel DODASITV, <https://www.youtube.com/channel/UCE3Xd2Rp1yUhx7tbXR-I5jA>

102 These videos were previously accessible using the following links, but they have recently been taken down. The recordings have been preserved by Uzbek activists: [https://www.youtube.com/watch?v=4hiM\\_wm2xjo&feature=youtu.be](https://www.youtube.com/watch?v=4hiM_wm2xjo&feature=youtu.be), <https://www.youtube.com/watch?v=iR2onoG4RR0>

103 Doston Shukhratovich, editor of the terminated YouTube channel KrashUZ and the new YouTube channel Yangi krashutz, [https://www.youtube.com/channel/UCVcCr\\_5w4b-SNqBweMIXSkNg](https://www.youtube.com/channel/UCVcCr_5w4b-SNqBweMIXSkNg)

104 These videos were previously accessible using the following links, but they have recently been taken down. The recordings have been preserved by Uzbek activists: [https://www.youtube.com/watch?v=4hiM\\_wm2xjo&feature=youtu.be](https://www.youtube.com/watch?v=4hiM_wm2xjo&feature=youtu.be), <https://www.youtube.com/watch?v=iR2onoG4RR0>

how to find LGBTI+ people, calling on people to join raids, and speaking in favor of tightening Article 120. Another blogger/journalist announced<sup>105</sup> that he had started to fight against LGBTI+ people and proposed that the highest state agencies support his initiative and that viewers join him in his appeal. He called for help arranging sham dates, including help meeting people, collecting information about future victims, determining their exact addresses, organizing round-ups, and documenting everything on video. He promised to post these videos to his channel. Another blogger expressed his support for Shokir Shavkatov's killer and added, "If I met a gay person on the street, I would give him a nice little punishment and beating, but I wouldn't kill him. They're not worth spending 10 years in prison for. It's better to beat them and spend 15 days in jail. I'm not scared of that."<sup>106</sup> To carry out his plan to eradicate LGBTI+ people from all regions of Uzbekistan, he called on homophobes to join him and on law enforcement to release him from liability. Like others, he was planning to catch LGBTI+ people during sham dates, record them on camera as evidence, and then hand them over to law enforcement officers for reprisals.

With the exception of foreign news agencies, the media in **Tajikistan** has remained silent on the topic of LGBTI+. Progressive journalists note the lack of publications prepared to print their articles and the homophobic criticism their colleagues direct at their proposals for articles related to LGBTI+ issues. They also complain about the lack of high-quality information about SOGI to help write politically correct materials using appropriate terminology. In addition, they say there are virtually no experts, human rights defenders, or activists who could comment or talk about the actual situation of LGBTI+ people.

Unlike other countries in the region, in **Kazakhstan** and **Kyrgyzstan** LGBTI+ people and activists can live openly and initiative groups (Kazakhstan) and LGBTI+ organizations (in Kyrgyzstan's capital Bishkek) can operate openly. This simplifies the job for friendly journalists and significantly increases the number of politically-correct publications that address LGBTI+ issues. However, these positive trends apply mainly to the Russian-language media. Resources in the state Kazakh and Kyrgyz languages continue to abound with homophobic articles using hate speech.

In general, the level of homophobia transmitted through the media remains high, even in the more liberal Kazakhstan and Kyrgyzstan. For example, half of the materials from Kyrgyz media for 2016 and 2017 analyzed by experts contained anti-LGBTI+ hate speech.<sup>107</sup> Reporting on LGBTI+ events in the Kyrgyz media is almost completely negative.<sup>108</sup> The most intense homophobic rhetoric in the country is produced by pro-government television and print media.<sup>109</sup> Every year, these media outlets<sup>110</sup> out LGBTI+ people, violating their right to personal inviolability. These publications result in attacks on LGBTI+ people (the best known are on transgender women), which often force the victims to move or even flee the country.

Media outlets in the region are generally not held liable for homophobic rhetoric and the consequences of their publications, which lead to systemic violation of LGBTI+ rights that threaten the life and health of these people.

LGBTI+ people in Central Asia suffer from a lack of information on the topic of SOGI and protection of LGBTI+ rights which, taken with the high level of homophobia in society, the strong influence of religious norms, and traditional stereotypes, leads to internal homophobia, lesbophobia,

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105 This video, released in July, was recently taken down, [https://www.youtube.com/watch?v=4hiM\\_wm2xjo&feature=youtu.be](https://www.youtube.com/watch?v=4hiM_wm2xjo&feature=youtu.be)

106 This video was made in August, but access to it was restricted, <https://www.youtube.com/watch?v=iR2onoG4RR0>

107 "Problematic hatred: Monitoring anti-LGBT hate speech and responses to it in Belarus, Kyrgyzstan, Moldova, Russia, and Ukraine," Article 19, 2018, [https://www.article19.org/wp-content/uploads/2018/03/LGBT-Hate-Speech-Report-Central-Asia\\_March2018.pdf](https://www.article19.org/wp-content/uploads/2018/03/LGBT-Hate-Speech-Report-Central-Asia_March2018.pdf) [in English]

108 "The rhetoric of hate and unbalanced reporting: the media's reaction to the equal rights march in Bishkek," School of Peacemaking and Media Technology in Central Asia, March 2019, [http://www.ca-mediators.net/ru/ru\\_news/5302-ritorika-nenavisti-i-nesbalansirovanoe-osveschenie-reakciya-media-na-marsh-za-ravnnye-prava-v-bishkeke.html](http://www.ca-mediators.net/ru/ru_news/5302-ritorika-nenavisti-i-nesbalansirovanoe-osveschenie-reakciya-media-na-marsh-za-ravnnye-prava-v-bishkeke.html) [in Russian]

109 Annual report of media monitoring, Kyrgyz Indigo, 2019, [http://indigo.kg/wp-content/uploads/2019/04/GODOVOY-OTCHET-O-MONITORINGE-SMI-V-KONTEKSTE-LGBTIK\\_final.pdf](http://indigo.kg/wp-content/uploads/2019/04/GODOVOY-OTCHET-O-MONITORINGE-SMI-V-KONTEKSTE-LGBTIK_final.pdf) [in Russian]

110 In particular, Delo No., Kaygul TV, and NewTV.kg.

biphobia, and transphobia and forces LGBTI+ people to meet the expectations of their families and society and resort to self-censorship.<sup>111</sup> The level of acceptance of MSM in Central Asia is lower than in Eastern Europe and the Caucasus.<sup>112</sup>

*“Many suffer from internal homophobia and transphobia. These people are fighting an internal battle with themselves and with Islam. Religion tells them: ‘LGBT people must be killed,’ and their internal voice, which is beaten down by religion, says: ‘Just be yourself.’” (On the situation in Uzbekistan, interview, ADC Memorial, November 2019)*

In Turkmenistan, Uzbekistan, and Tajikistan, access to information is restricted at the state level: Several websites, social media sites, and mail services are centrally blocked. In 2014, **Uzbekistan** introduced additional measures to monitor the operation of internet cafes (installation of security cameras, recording and storage of information on websites visited).<sup>113</sup> These measures led LGBTI+-oriented websites to shut down, disrupted cooperation between activists and the independent media, and curtailed access to information.<sup>114</sup> After the president of **Tajikistan** cancelled the Antimonopoly Service’s regulation banning a rate increase for mobile internet, the fees almost doubled and the cost of other services increased a year later.<sup>115</sup> Users have to use proxy servers to avoid being blocked, but this contributes significantly to the size of the fees. As a result, many people cannot afford to use the internet, which most residents can only access from their phones.

The lack of safe and straightforward access to information means that many LGBTI+ people, especially those living in remote or rural areas, are filled with misconceptions about SOGI. The lack of information that LGBTI+ people have about themselves is frequently used by the police and other aggressors for homophobic machinations, blackmail, and extortion and causes depression and suicide.

## **HATE CRIMES AGAINST LGBTI+ PEOPLE**

The government of Turkmenistan holds a monopoly on violence against LGBTI+ people since the topic about SOGI is taboo in public space. In other countries in the region, a high level of public display of hatred of LGBTI+ people and unchallenged open calls for homophobic violence in the media and on social media, which often list the names and addresses of LGBTI+ people, has given regular citizens (including relatives of LGBTI+ people and even other LGBTI+ people) and the police free rein to blackmail and persecute LGBTI+ people. These aggressors form groups or work alone and may act systematically or on an ad-hoc basis when they accidentally learn about a person’s sexual orientation or gender identity.

*In Kazakhstan, relatives surprised a gay man at a friend’s house, beat them both, spouting homophobic slurs, and posted a video to social media. The video had more than 50,000 views. Acquaintances wrote this man, saying that they had seen him online. One day a taxi driver recognized him and forced him out of his car. This man was forced to quit his job and move. The friend he was with in the video was forced to return to Uzbekistan, which he had left for work. (Information about the situation in Kazakhstan, ADC Memorial, November 2019)*

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111 “The Life of LGBT People in Turkmenistan,” report by Kyrgyz Indigo, 2019, pg. 23, <https://indigo.kg/wp-content/uploads/2020/03/Жизнь-ЛГБТ-людей-в-Туркменистане2.pdf> [in Russian]

112 Study of internal homophobia, ECOM, 2017, [https://indigo.kg/wp-content/uploads/2018/07/Internal\\_homophobia\\_rus-1.pdf](https://indigo.kg/wp-content/uploads/2018/07/Internal_homophobia_rus-1.pdf) [in Russian]

113 Resolution of the Government Committee on Communication, Information, and Telecommunications Technologies of the Republic of Uzbekistan (registered by the Ministry of Justice on March 28, 2014 under No. 1393-3), [https://www.norma.uz/goto/?to=http%3A%2F%2Fstatic.norma.uz%2Fdocuments%2F2014%2FN\\_13%2Frus%2F1393-3.rtf](https://www.norma.uz/goto/?to=http%3A%2F%2Fstatic.norma.uz%2Fdocuments%2F2014%2FN_13%2Frus%2F1393-3.rtf) [in Russian]

114 Report for Uzbekistan’s UPR, Casgan, September 2017, [https://www.upr-info.org/sites/default/files/document/uzbekistan/session\\_30\\_-\\_mai\\_2018/cagsan\\_upr30\\_uzb\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/uzbekistan/session_30_-_mai_2018/cagsan_upr30_uzb_e_main.pdf) [in English]

115 “Mobile operators in Tajikistan raise fees for some services,” Radio Ozodi, April 2020, <https://rus.ozodi.org/a/30527240.html> [in Russian]

*In Kyrgyzstan, three unknown men broke into a gay man's apartment to "fix" him. They knew his address for some reason. (Information about the situation in Kyrgyzstan, ADC Memorial, April 2020)*

*In Kazakhstan, three men were planning to rob a transgender woman who was a sex worker and shared an apartment with a gay man. The criminals were dressed in black. They wore gloves, and their faces were covered with hockey masks. It is likely that they picked a transgender woman as their target instead of another sex worker. They did not expect to meet anyone else in the apartment, but they beat and robbed both of them, screaming and shouting that people like them should be killed, that they are a disgrace to the Kazakh nation. The criminals took the gay man's phone and asked him to pay a ransom for it the next day. If he refused, they threatened to out both victims to their relatives.<sup>116</sup>*

*A man was chatting with someone online and shared photos and videos with this person, who then started blackmailing him. He sent the man the numbers of his relatives and threatened to forward the compromising messages, photos, and videos to them. When the victim went to the police with his lawyer, the police officers asked: "Aren't you, a faggot, ashamed to come to us?" (Interview on the situation in Kazakhstan, ADC Memorial, April 2020)*

**Uzbekistan** has the highest prevalence of homophobic groups on social media.<sup>117</sup> These groups upload information about LGBTI+ people and use photos and videos for blackmail, with threats of outing or criminal prosecution. A cash award is offered for new information about LGBTI+ people sent to the channel. Some gay people complained about a group<sup>118</sup> that published personal data containing false information, for example about the commission of a crime. The victims then have to pay the requested amount to have these postings deleted.<sup>119</sup> Heterosexual men are also blackmailed in these groups and threatened with being outed as gay if they do not pay. LGBTI+ people are threatened not just with being outed, but also with violence and murder. For example, the homophobic Telegram channel @Tashgangs publishes videos of vigilante justice, beatings, and insults of LGBTI+ people. The administrators have declared an online "hunt" for LGBTI+ people: They post their personal information and addresses and call for reprisals.

*In the summer of 2019, a video was circulated online showing a homophobe reporting to a group administrator that he had armed himself with a knife and waited for a gay man with his friends in order to kill him. (This video is in the possession of ADC Memorial).*

In **Kazakhstan** and **Kyrgyzstan**, activists report that they do not know of any special groups that openly position themselves as homophobic. Instead, individuals are the ones engaging in blackmail on social media. These individuals meet LGBTI+ people online, get photos and videos of them, and then threaten to send this information to the person's parents, whose contact information they often present to lend authenticity to the threat. In **Kyrgyzstan**, homophobic groups on social media are generally deleted several days after they are found thanks to the involvement of many LGBTI+ activists and a streamlined process for complaining to the technical support of social media sites about homophobic groups.

Many LGBTI+ people must live insular lives and compensate for the lack of face-to-face interactions online. Meeting people online carries an enormous risk: LGBTI+ people can be lured to sham dates, where they are subjected to insults, beatings, and sexual assault. Video recordings of these meetings are often distributed further, "inspiring" new aggressors, who know that victims will most likely not go to the police and are confident of their impunity.

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116 "Attack in Almaty: Crime with punishment," Kok.Team, December 2019, <https://www.kok.team/ru/2019-12-27/razboy-v-almaty-prestuplenie-s-nakazaniem> [in Russian]

117 For example, [https://t.me/Yangiliklar\\_va\\_Erkaklar](https://t.me/Yangiliklar_va_Erkaklar) , <https://t.me/TemaUZnews> , [https://t.me/Tema\\_News\\_online](https://t.me/Tema_News_online), [https://t.me/Yangiliklar\\_va\\_Erkaklar\\_N1](https://t.me/Yangiliklar_va_Erkaklar_N1) , [https://t.me/anti\\_gey](https://t.me/anti_gey). It is important to note that channel addresses and administrator screen names can change often, so previously accessible links can later be impossible to find.

118 CHINOZLIY TEMALAR ROYHATI <https://ok.ru/group/59182686797876>

119 The administrator of one channel states directly that the channel's purpose is to collect money.

*There have been several cases in Kazakhstan when criminals have met men online and lured them into the same courtyard, where a group of homophobes was waiting for them. Threatening the men with beatings, they extorted money and valuables from them. (Interview about the situation in Kazakhstan, ADC Memorial, April 2020)*

*Fergana, Uzbekistan: A video showing the organizers of a sham date beating a gay person, threatening to burn him alive, and making him sit on a bottle gained notoriety.<sup>120</sup>*

*Samarkand, Uzbekistan: In April 2019, a gay man agreed to meet a man he had corresponded with for a long time on Odnoklassniki. The meeting was fake. A group of homophobes forced him to undress completely, beat him, recorded him on video and took his valuables. He was able to escape the abuse by jumping into a canal, where he sat for almost an hour. He did not file a police report because he feared being outed and losing his job.<sup>121</sup>*

*In Kazakhstan, a gay man decided to go on a date with a person he met online. This date was fake. Two men beat him until he lost consciousness, tearing his ear cartilage, breaking his leg, suffocating him, hitting his head with a belt buckle and beer mug, burning him with an iron and cigarettes, raping him, and threatening him with death. They demanded that they give him the address of a gay club and summon other gays to this apartment. They also demanded a three million tenge (over 6,000 euro) ransom from him. He was forced to wash the blood from his clothes and from the floor and the wall. Then the criminal recorded a video of the man providing his personal information and admitting that he is gay. In exchange for the video not being posted, they demanded six million tenge (about 12,000 euro) from the victim's relatives the next day. Even though this man was tied up, he miraculously managed to escape and flee the apartment while the criminals were asleep. The neighbors helped him call the police and an ambulance.*

*The criminals were arrested and admitted to the beating, but denied the rape and extortion. Officers accused the victim of providing sex services and being the victim of his clients, and also prevented him from getting medical care. Doctors had to hospitalize the victim with first- and second-degree burns, a moderately severe concussion, multiple contusions and bruises, and closed fractures in his arms and legs. When his father arrived at the hospital, he listened to the police interrogating his son and learned that he was gay. In the hallway, he told officers that he would have hung his son if he had known about this earlier. When he returned home, he was railroaded by his family, who insisted that he get married as soon as possible. His state of health did not allow him to return to work.<sup>122</sup> Relatives of the criminals offered money as part of a "reconciliation" process and even blackmailed the family. They threatened to publicize the story in the media and accuse the victim himself of what happened. The criminals were each sentenced to only six years in prison.<sup>123</sup>*

The murder of Shokir Shavkatov resonated widely with the public in Uzbekistan. The police investigated the case, but LGBTI+ activists do not trust their version of the events.

*Shokir Shavkatov was killed on September 12, 2019, the day after he came out on Instagram. According to the police's version, he met his alleged killer on V Kontakte the day before. Police found "clear evidence of recent intimate relations" in his apartment. Even though the police stated that only one person was charged with his murder, Radio Ozodlik reported that a case was instigated under the article "Premeditated murder committed by, or in the interests of, a group." Uzbek activists do not believe the version offered by the police.<sup>124</sup> According to acquaintances of the victim, two*

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120 "Student in Fergana accused of homosexuality, undressed, and severely beaten (video)," Radio Ozodlik, September 2017, <https://rus.ozodlik.org/a/29890288.html> <https://rus.ozodlik.org/a/28764955.html> [in Russian]

121 "Father of three severely beat for homosexuality in Samarkand (video)," Radio Ozodlik, April 2019, <https://rus.ozodlik.org/a/29890288.html> [in Russian]

122 "Torture of a gay man in Astana: 'I was burned with an iron,'" Kok.Team, September 2019, <https://www.kok.team/ru/2019-09-25/pytki-geya-v-astane-menya-zhgli-utyugom> [in Russian]

123 "Ayan wins case against abusers," Kok.Team, January 2020, <https://www.kok.team/ru/2020-01-31/ayan-vyigral-sud-protiv-nasilnikov> [in Russian]

124 "25-year-old Shokir Kh. met his killer online," website of the Main Department of Internal Affairs for Tashkent, September 2019, <https://iibb.uz/ru/news/so-svoim-ubijtsej-25-letnij-shokir-h-poznakomilsja-v-internete> [in Russian]

*men who seemed to be police officers by their appearance led Shokir out of a club popular with LGBTI+ people. He was found dead several hours later.<sup>125</sup> Not long prior to this, approximately 10 people<sup>126</sup> were subjected to public humiliation and then arrested by the police.<sup>127</sup> Later, on September 13, four gay men were arrested during a raid. Two of them agreed to cooperate with the police under threat of exposure. Fearing pressure from both society and the government, Shokir's mother refused to state that her son was killed for his sexual orientation. Activists interpret this as a signal of intimidation, and for good reason. They called on the government to take measures to protect the LGBTI+ community. (Interview about the situation in Uzbekistan, ADC Memorial, November 2019)*

In Uzbekistan and Turkmenistan, criminal prosecution deprives LGBTI+ people of the ability to appeal to law enforcement bodies for protection of their rights. Hate crimes are not likely to be investigated.

*In May 2019 in Uzbekistan, unknown assailants attacked a gay man with a knife and wounded him. The police refused to open a criminal case. Fearing for this life, this man was forced to leave for another country. (Interview about the situation in Uzbekistan, ADC Memorial, November 2019)*

*In the summer of 2019 a gay man who had gone out for a date was found dead at a water canal the next day. The media did not report on this event. Nothing is known about the investigation into his death. (Interview about the situation in Uzbekistan, ADC Memorial, October 2019)*

Police officers in Tajikistan are generally homophobic and reluctant to respond to violations of LGBTI+ rights because they do not believe it is their job to protect them. They put pressure on LGBTI+ people who turn to them for help, insult them, and refuse to take their statements:

*"One gay man was given a terrible beating. They knocked out his teeth and struck him in the liver and spleen. They also tried to 'hang' non-existent cases on him. They asked him to take back the report he made [to the police] about a beating because they told him it wouldn't get him anywhere and he would only make things worse for himself." (On the situation in Tajikistan in 2015, ADC Memorial, January 2019)*

The situation is better in Kyrgyzstan (mainly in the capital) and Kazakhstan: In recent years, more and more people have decided to complain to the police about violations of their rights. NGOs facilitate this to a significant extent by supporting these complaints and recruiting friendly lawyers and attorneys to write statements and escort victims. As a result, court cases have appeared in both countries,<sup>128</sup> some of which have been successful at protecting LGBTI+ rights. These cases, however, continue to be the exception, and most hate crimes based on SOGI go uninvestigated and unpunished. When the criminals are police officers themselves, LGBTI+ people are almost completely deprived of the right to protection.

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125 "Gay man brutally killed in Uzbekistan. He came out on Instagram the previous day," Current Time, September 2019, <https://www.currenttime.tv/a/30163169.html> [in Russian]

126 Azattyq TV. "Asia: Who Killed a Gay Man from Uzbekistan and Why." YouTube video. September 2019. <https://youtu.be/lbH3mxxk94w> [in Russian]

127 "25-year-old gay man stabbed to death in Tashkent," Radio Ozodlik, September 2019, <https://rus.ozodlik.org/a/30163279.html> [in Russian]

128 Kazakhstan: "How Uyatman lost to fearless young women," Feminita, August 2019, <http://feminita.kz/2019/08/как-уятмен-проиграл-бесстрашным-деву/> [in Russian]

"Ayan wins case against abusers," Kok.Team, January 2020, <https://www.kok.team/ru/2020-01-31/ayan-vyigral-sud-protiv-nasilnikov> [in Russian]

"Almaty man fired for his orientation and is prepared to go to court," Kok.Team, October 2019, <https://www.kok.team/ru/2019-10-16/almatinca-uvolili-iz-za-orientacii-on-gotov-idti-v-sud> [in Russian]

Kyrgyzstan: "Homophobia, blackmail, and extortion are all part of the daily life of LGBTI+ people in Kyrgyzstan." Interview with Liliya Ten, "Elgezit, February 2020, <https://elgezit.kg/2020/02/07/gomofobiya-shantazh-vymogatelstvo-chast-povsednevnoj-zhizni-lgbt-lyudej-v-kyrgyzstane-intervyu-s-liliej-ten/> [in Russian]

"How a transgender woman got justice from the state," Kyrgyz Indigo, May 2019, <https://indigo.kg/ignoryrovat-nelzya-pomoch-kak-trans-devushka-dobivaetsya-pravosudiya-ot-gosudarstva.html> [in Russian]



## THE CONSEQUENCES OF OUTING FOR EDUCATION AND EMPLOYMENT

For LGBTI+ people, being outed or coming out generally results in loss of employment, regardless of a person's qualifications or professionalism.<sup>129</sup> Although the official reason for dismissal is not given in writing, managers sometimes state directly that they have to fire an LGBTI+ person out of fear for their organization's reputation.

*"If they find out [about your SOGI], they fire you under an article or they find a way to fire you, something like, 'your way of life does not correspond to our university's image,' or you leave 'by choice.' Almost everyone quits on their own because they are afraid of the consequences [being outed], especially on the part of their families." (Interview about the situation in Tajikistan, ADC Memorial, January 2019)*

*Colleagues started teasing a transgender woman who had started hormone therapy. They asked her why she was gaining weight and why "her butt was getting bigger." In the summer, she couldn't hide her breasts, so she stopped hormone therapy to keep her job and prevent being outed. (Interview about the situation in Tajikistan, ADC Memorial, October 2018)*

*After completing their transition, supervisors forced a police officer to quit "of their own volition," and a court refused to restore them to their position.<sup>130</sup>*

The same thing happens at educational institutions: Pressure from teachers and classmates forces LGBTI+ people to drop out of school or start learning extramurally:

*When the classmates of a transgender women learned about her gender identity, they stopped treating her normally: They stopped talking to her and started making fun of her. She was forced to transfer to extramural classes.*

Sometimes harassment at work or school takes the form of serious threats (even murder) and physical violence and continues after a person is forced to quit or leave school:

*A case in Uzbekistan (2019): A classmate learned about a gay man's orientation and forced him to go pray at the mosque. Then he and his friends beat him up. They told his father about his orientation. He was forced to quit university and return to his hometown. His classmates continued to spread information about him there and threatened to kill him several times. He could not go to the police because he feared he would be prosecuted under Article 120. (Interview with ADC Memorial, November 2019)*

*A case in Uzbekistan (2019): A colleague threatened a gay man because of his sexual orientation and spread information about him at work. He was forced to quit. When his friends and neighbors learned about his orientation, he started receiving threats that he would be killed or outed. Someone wrote him that he was under 24-hour surveillance, that people knew how to find him, that they would come for him soon, that they would not allow him to leave the country. He was forced to go to an acquaintance in a different city. He was more frightened that his religious parents would find out about his orientation than he was about being murdered. (On the situation in Uzbekistan in 2019, ADC Memorial interview, November 2019)*

*A case in Kazakhstan (2019): After the colleagues and director of a man who worked in the civil service found out that he was gay, the boss held a department meeting where everyone discussed his orientation, compartment, and sex life without feeling constrained in their use of epithets. His colleagues started treating him badly, judging him, saying that he would burn in hell and bring shame to the Kazakh people. Taking advantage of his vulnerability, they forced him to work overtime, backdate documents, and handle other people's work. His boss took part of his salary for himself. Knowing that the police would not take any action, this man did not turn to them for help.*

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129 "Homosexuals in Tajikistan: It's easier to be a drug addict than a gay person," Open Asia, May 2017, <http://theopenasia.net/articles/detail/gomoseksualisty-v-tadzhikistane-legche-byt-narkomanom-chem-geem/>

130 "Job of police officer who changed gender not restored," Radio Azattyq, August 2015, <https://rus.azattyq.org/a/kazakhstan-transgendery-prava-cheloveka/27183304.html>

*He was threatened with “serious problems” if anyone learned about the harassment and arbitrary treatment. He was forced to give people at work access to his phone, and they deleted his recordings of the conversations and threats. On the same day, unknown assailants attacked him on the street. After that, he quit and spent some time in another country. He continued to receive threats that he would be persecuted and his mother would be killed even after his departure.<sup>131</sup>*

LGBTI+ people face a high risk of becoming the victims of deception and labor and sexual exploitation.

*A gay man almost fell victim to sexual exploitation organized by a native of Uzbekistan living in Kazakhstan: This person met LGBTI+ people from Uzbekistan online and lured them to Kazakhstan with the promise of housing, work, assistance, and money for the trip, but took their passports from them when they arrived. Threatening them with exposure, he forced the LGBTI+ people into the sex business. This particular gay man was not able to leave for Kazakhstan because he received a summons from the police in Uzbekistan (the police found his contact information on the phone of a gay man who had previously been arrested). Unaware of this, the criminal decided to get revenge: He published the man’s personal data online, adding: “Be careful, this guy is a fraud.” In spite of the risks, the victim filed a report with the police over this slander, but nothing ever happened with the case. (Interview on the situation in Uzbekistan, ADC Memorial, November 2019)*

*A young man from Kyrgyzstan met a man online who offered him work in Kazakhstan. As soon as he crossed the border, the criminal took his documents and locked him in his house. Over the course of several months, the victim was subjected to sexual assault not just by the homeowner, but also by several other men. One of the offenders released him, and he was able to return home. (Interview about the situation in Kyrgyzstan, ADC Memorial, November 2017)*

The most vulnerable group in terms of employment is transgender women, who are frequently pressed to work in the only sphere open to them—the sex business (this topic is outside the scope of the report and will not be examined in detail here).

## **PRECARIOUS FAMILY ENVIRONMENT FOR LGBTI+ PEOPLE**

LGBTI+ people cannot even be themselves or feel safe in their own families. They fear not just censure, but also various forms of violence, including psychological, economic, and physical violence. In the worst cases, they may be threatened with murder or criminal prosecution (in Uzbekistan and Turkmenistan<sup>132</sup>). Homophobia in Central Asian countries forces LGBTI+ people to constantly monitor their own behavior,<sup>133</sup> conceal their sexual orientation and gender identity, and lead a dangerous double life, often under the threat of physical violence on the part of their relatives. Their families are generally not prepared to accept their orientation or identity. They try to “cure” their children who have “gone awry” or coerce them into changing their identity and even throw them out of the house. The primacy of family ties is a traditional view and is shared by LGBTI+ people themselves. Activists report that people who cannot mend ties with their families often shun members of the community. Because of this strong value, LGBTI+ people, including those who have suffered violence and humiliation at the hands of their families, still try to restore their relationships with their families.

In most cases, the families of LGBTI+ people find out about their orientation by accident, from friends or acquaintances, or find correspondence on their phones or computers. The least traumatic reaction is a demand to observe “proper decorum” and expected gender norms of behavior and stop using social media. Other forms of non-acceptance of LGBTI+ people are more dangerous and linked to psychological, physical, and even sexual violence.

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131 “Boss-Extortionist”, Kok.Team, January 2020, <https://www.kok.team/ru/2020-01-16/shef-vymogatel>

132 “The Life of LGBT People in Turkmenistan,” report by Kyrgyz Indigo, 2019, pg. 21, <https://indigo.kg/wp-content/uploads/2020/03/Жизнь-ЛГБТ-людей-в-Туркменистане2.pdf> [in Russian]

133 “For me, Moscow looks like tolerant Europe now.’ On the life of gay people in CIS countries,” Snob, May 2018, <https://snob.ru/entry/160934> [in Russian]

*The neighbors found out about a gay man's orientation and told his family. His father and brothers beat him until he had a concussion. He was driven out of the home. After the hospital, he went to another country. Only his mother supported him and helped him financially. (Interview on the situation in Tajikistan, ADC Memorial, January 2019)*

The threat of losing a home and material support is especially important for people who are dependent on and live with their parents. Many young members of the community are not able to work, pay for school, and provide for themselves, or they do not have the opportunity to live separately. This is particularly difficult for younger sons, who traditionally stay home with their parents:

*A case in Kazakhstan (2020): When the sister and brother of the youngest son in a family found out about his orientation, they started beating him regularly and forced him to do housework and borrow money for family needs. One day he was put in the car trunk and taken out of the city, where he was beaten so brutally that his legs gave out and he got a concussion. He then spent two weeks at the beginning of winter in an unheated space. After he ran away from home and applied to have his documents reissued, the police found him, told him that his family had filed a missing persons report, and returned him home, where he immediately endured a beating that left him with three breaks in his arms. His family held him in slavery the entire summer. When he ran away again, he received threats of murder.<sup>134</sup>*

The idea that the “deviation” of LGBTI+ people can be cured by various means, from religious and mystical to medical, is widespread. During exorcisms, shamans may force a person to lie down in a salt or cold bath, may spit or throw something at them, or may lash or whip them. Mullahs’ explanation for this “deviation” is that a “jinn moved in”: a female jinn for men and a male jinn for women. To drive out this “jinn,” the mullah must “lecture” “the sick person” (that is, read the Koran over him).

*The female relative of a gay man from Kazakhstan was a backsy (shaman). Every day, as soon as he came home, she would conduct rituals with him. This was accompanied by constant conversations and interrogations with his relatives about his orientation. Unable to withstand this, he was forced to leave his home. (Interview about the situation in Kazakhstan, ADC Memorial, April 2020)*

There have also been egregious situations where different forms of violence are combined, but they only become known in exceptional cases.

*In Kazakhstan, a father continued to “treat” his son for homosexuality, in spite of the opinion of a psychologist and a mullah. The parents forced the son to get married. When he came out to several relatives, they went to the apartment he shared with his wife and beat him until he lost consciousness. He did not file a police report even though he was taken to the hospital by ambulance. He was able to flee, but his parents continued to persecute him and his partner. They hired several detectives, tricked him into returning home, and even took him to Russia for a brain examination in the belief that an operation was required to cure him of “homosexuality.” The couple was able to escape to a shelter abroad.<sup>135</sup>*

Activists and human rights defenders say that there have been rare cases of honor killings by relatives. According to informants from various countries, this happens in more traditional families. Acquaintances of people who have disappeared can rarely say with certainty that these people were killed, but they suspect it:

*An informant from Tajikistan said he knew of cases where people whose relatives found out about their orientation or identity died under “strange circumstances.” Relatives attribute disappearances to death “from drugs” or suicide. The Muslim ban on autopsies makes it impossible to determine the true cause of death. (On the situation in Tajikistan, interview, ADC Memorial, January 2019)*

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134 “They’ll kill me and tell my parents I’m missing,” Kok.Team, April 2020, <https://www.kok.team/ru/2020-04-05/oni-menya-ubyut-a-roditelyam-skazhut-cto-propal>

135 “My father’s hitman,” Kok.Team, February 2020, <https://www.kok.team/ru/2020-02-10/naemnik-moego-otca>

The majority of LGBTI+ people are forced to marry to conform to the rules of a traditionally homophobic society and the expectations of their families, who often believe that marriage is the only way to “cure” LGBTI+ people. Traditional notions, for example, the idea that men must continue the bloodline, are not foreign to LGBTI+ people themselves. Agreeing to marriage makes it possible to conceal SOGI to a certain degree, but it also dooms LGBTI+ people and their spouses to a miserable life.

*“I [a transgender woman] was married to a woman. But it didn’t work out for us. She’s now living with my parents. The ‘marriage’ was difficult for her, too: no one will want to marry someone who has already been married. Families think that [SOGI] can be cured in this manner.” (Interview about the situation in Tajikistan, ADC Memorial, October 2018)*

*A young gay man worked in Russia for several years. Before he returned home, his acquaintance saw correspondence with other men on his phone. This acquaintance threatened him: “People like you are killed at home.” Within a month after his return, his family forced him to marry a distant relative. He cut his ties with the LGBTI+ community. (On the situation in Uzbekistan in 2019, interview, ADC Memorial, November 2019).*

In an attempt to give the appearance of meeting their families’ expectations, some LGBTI+ people look for ways to enter into fictitious marriages with gay people of the opposite gender (this is called a “lavender marriage” in Uzbekistan). This is nearly impossible in small cities and rural areas, where “everyone knows everything about everyone,” and does not mean that relatives won’t be dissatisfied with the lack of future children or the free behavior of LGBTI+ spouses, for whom these fictitious marriages are a mere formality.<sup>136</sup> The search for a candidate for a fictitious marriage and, often, the simultaneous search for a way to leave the country, are rarely successful:

*A young woman was trying to find a gay fiancé and a job abroad, but had no luck. She got tired of the pressure from her family. When her parents gave her away in marriage, she suffered from having to live with a man, but she was afraid that she could be thrown out of the house or killed if anyone learned about her orientation. She soon cut her ties to the LGBTI+ community. (Interview about the situation in Uzbekistan, ADC Memorial, October and November, 2019)*

## **LIMITATIONS ON THE ABILITY TO LEAVE THE COUNTRY**

One path to a freer and fuller life for LGBTI+ people can be leaving the country, but it is extremely difficult, if not impossible, for citizens of Central Asian countries to obtain a visa for Europe or the United States. This is why LGBTI+ people generally move to Eurasian countries—which are far from safe—as labor migrants, with all the associated risks and hardships. (They primarily move to Russia or Kazakhstan, which LGBTI+ people from vulnerable countries can enter without a visa, or Turkey and the United Arab Emirates, which are visa free.) Less frequently, they leave to study abroad, which requires significant financial resources:

*“I submitted all the required documents for a university abroad, I have excellent grades, and I hope they’ll accept me. But right now I need support to escape Uzbekistan any way I can in order to survive.” (On the situation in Uzbekistan in 2019, interview, ADC Memorial, November 2019)*

Departure from several countries is difficult for any citizen, LGBTI+ or not: Until recently, Uzbekistan had exit visas and Turkmenistan still does. In addition, **Turkmenistan** increased the timeframe for obtaining a foreign passport to three to three-and-a-half months<sup>137</sup> and introduced age restrictions

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136 “Many are killed by their relatives.’ What Tajik gays are fleeing,” Lenta.ru, October 2017, [https://lenta.ru/articles/2017/08/27/chon\\_tojikiston/](https://lenta.ru/articles/2017/08/27/chon_tojikiston/) [in Russian]

137 “Timeframe for getting a foreign passport triples in Turkmenistan,” Fergana, April 2019, <https://fergana.agency/news/106457/> [in Russian]

on leaving the country (for example, on men under the age of 30).<sup>138</sup> On top of this, plane tickets for international flights can only be bought two to three months prior to the trip,<sup>139</sup> but they are impossible to purchase online and must be bought through an agency. Even tickets and an exit visa are not a guarantee of actually leaving the country. The Migration Service regularly prevents dozens<sup>140</sup> and even hundreds of people from boarding international flights,<sup>141</sup> and special services can even detain people after they have been through passport control:

*“My friend M. has bought 10 tickets over the past three years. And he’s been taken off his flight every time.”<sup>142</sup>*

Even leaving the country does not guarantee the safety of LGBTI+ people fleeing repressions from the most vulnerable countries: These people still get threats from homophobic fellow citizens who have also migrated to the new country. Many also continue to live in constant terror for their relatives at home. They also worry that the special services will find them and forcibly return them home.

*A gay man decided to leave Turkmenistan after his friend, who had been charged under Article 135, committed suicide in prison. He has been living in Turkey for three years, but hasn’t been able to get to Europe because airlines track suspicious people who can request asylum and don’t let them on flights. It’s difficult for a Turkmen citizen to find regular work in Turkey, even though this person has several diplomas. His stay in Turkey will end in one-and-a-half years, and he will have to either stay there illegally or find a way to travel somewhere else. He can’t return home—the police are looking for him there.<sup>143</sup>*

Even though LGBTI+ people find more a more tolerant environment abroad (although they often move to countries where the situation for LGBTI+ people is only marginally better), it is emotionally difficult for Central Asian LGBTI+ people to make the decision to escape their family’s control and the intrusive attention of acquaintances and leave their country because of the traditionally strong dependence on the family. LGBTI+ people suffer from their inability to visit their relatives:

*“I can’t go back, they could pick me up at the airport. They’re trying to get to me through my mother so that I come home. My brother gets married, my mother gets sick, my nephew is born—it doesn’t matter, I still can’t visit. I’m stuck here [abroad]: I’m neither here nor there [I don’t live a full life].” (Interview with an immigrant from Turkmenistan, ADC Memorial, March 2019)*

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138 “Turkmenistan: Men under 30 will not be allowed to travel abroad,” Radio Azatlyk, April 2018, <https://rus.azathabar.com/a/29170638.html> [in Russian]

139 “Ashgabat continues to experience a shortage of tickets,” Radio Azatlyk, March 2019, <https://rus.azathabar.com/a/29797728.html> [in Russian]

140 “Over 30 passengers removed from a flight from Ashgabat to Istanbul,” Turkmen News, <https://turkmen.news/news/zapret-na-vyezd-turkmenistan/> [in Russian]

141 “Dozens of passengers removed from flights at Ashgabat airport over the weekend,” Radio Azatlyk, April 2019, <https://rus.azathabar.com/a/29910002.html> [in Russian]

142 “Hetero territory: how Turkmenistan’s gays are fleeing persecution,” Radio Svoboda, April 2020, <https://www.svoboda.org/a/30520130.html> [in Russian]

143 Ibid.

## MEASURES REQUIRED TO IMPROVE THE SITUATION OF LGBTI+ PEOPLE IN CENTRAL ASIA

- Decriminalize consensual same-sex relationships between adult men in Turkmenistan and Uzbekistan: Revoke Article 135 of the Criminal Code of Turkmenistan and Article 120 of the Criminal Code of Uzbekistan.
- Include comprehensive norms banning discrimination, including on the basis of SOGI, in national laws.
- Eliminate repressive practices and persecution on the basis of SOGI on the part of law enforcement agencies, including raids, roundups, blackmail, violence, and extortion; recognize the use of torture against LGBTI+ people as unacceptable and declare evidence obtained through violence, threats, and humiliation inadmissible.
- Conduct effective investigations into crimes against LGBTI+ people, including crimes committed by law enforcement officers, and prosecute the guilty parties. Ensure that the motive of hate is considered when crimes against LGBTI+ people are registered and investigated.
- Eliminate homophobia, biphobia, lesbophobia, and transphobia in society and among workers at law enforcement, judicial, and other state agencies and media outlets.
- Prosecute officials, public figures, and authors of publications in the media and online for calls to violence and the use of hate speech.
- End the persecution of human rights defenders and activists protecting the rights of LGBTI+ people.
- Make it possible to register NGOs that protect LGBTI+ rights and the activities of human rights defenders and activists, hold public dialogues and events and give speeches about SOGI issues, and provide legal remedies for LGBTI+ people.
- Ensure that LGBTI+ people have access to medical, social, and other services without discrimination. Increase awareness of the needs of LGBTI+ people among medical and social workers.
- Make amendments and additions to laws so that an extended psychiatric hospitalization and surgery are not mandatory for changing gender or gender markers on documents on the basis of the applicant's self-identification. End the practice of forced medical or surgical interference without the free, prior, and informed consent of intersex people. Ensure access to quality information about sexual orientation, gender identity, and HIV.

## HISTORY OF AMENDMENTS TO CRIMINAL LAWS OF FORMER SOVIET COUNTRIES THAT BAN SAME SEX RELATIONSHIPS BETWEEN MEN

Criminal liability for same-sex relationships between men existed for over half-a-century in the republics that made up the Soviet Union. The laws contained various wordings, which were later reduced to the sole and completely unacceptable term “*muzhelozhstvo*” (sodomy, lit. lying with men).

Prior to 1933, not all the criminal codes of various Soviet republics stipulated liability for a consensual same-sex act. For example, it was not in two RSFSR criminal codes (the 1922 and 1926 versions), even though it was present in the laws of other republics in those same years. For example, in June 1923 articles appeared in the Criminal Code of the Azerbaijan SSR stipulating punishment for consensual and forced “*pederasty*.” In April 1924, punishment for “*perverse satisfaction of sexual desire in the form of pederasty*” (Article 1711) was added to the Criminal Code of the Georgian SSR. In 1925, the SSR of Abkhazia introduced liability of up to one year of imprisonment for “*satisfaction of sexual desire in the form of pederasty*” (at least three years’ imprisonment with use of violence and at least five years’ imprisonment with a minor).

Criminal punishment for “*muzhelozhstvo*” and the very term itself is first mentioned in laws of Soviet republics in 1933, when the Criminal Code of the RSFSR introduced into Article 154-a the crime of “*sexual contact of a man with a man (muzhelozhstvo)*,” and specified liability in the form of a three- to five-year prison term (a five- to eight-year term with the use of violence or taking advantage of the victim’s dependent position).<sup>144</sup>

Resolution of the USSR Central Executive Committee “On Criminal Liability for Muzhelozhstvo” of March 7, 1934<sup>145</sup> resulted in the gradual criminalization of any sexual acts between men. This document proposed “*expanding criminal liability for muzhelozhstvo, i.e. sexual contact between a man and a man, in the case of consensual relations, regardless of whether or not one of the participants has reached sexual maturity.*” The Central Executive Committee also recommended that union republics include the following article in their criminal codes: “*Muzhelozhstvo, i.e. sexual contact between a man and a man, entails imprisonment for a term of up to five years. Muzhelozhstvo committed by taking advantage of the victim’s dependent position, or with the use of violence, for payment, by profession, or in public entails imprisonment for a term of up to eight years.*”

The result was the ubiquitous criminalization of sex acts between men in republics forming the Soviet Union. In autonomous and union republics that did not have their own criminal codes, the legal documents of other Soviet republics were in effect. For example, the Criminal Code of the RSFSR of 1926 was in effect on the territories of the Kazakh Soviet Socialist Republic (SSR), the Kirghiz SSR, the Lithuanian SSR, the Latvian SSR, and the Estonian SSR. The Moldovan SSR used the Criminal Code of the Ukrainian SSR of 1927. The Criminal Code of the Uzbek SSR was in effect in the Tajik SSR, which was part of the Uzbek SSR until 1929, and, from 1929 until the Tajik SSR adopted its own code in 1935, the Criminal Code of the RSFSR was in effect. The Criminal Code of the Uzbek SSR (1926) stipulated liability for “*besakalbazstvo*” (the sexual act of men) and “*bachebazstvo*” (the keeping and training of “*bacha*,” i.e. boys and men involved in prostitution), while the Criminal Code of the Tajik SSR used “*bachebazstvo*” to mean a sexual act between men.<sup>146</sup>

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144 Criminal Code of the RSFSR. Official Text with Amendments as of July 1, 1950, including Materials Organized by Article. Moscow: 1950, pg. 102. [in Russian]

145 Resolution of the USSR Central Executive Committee “On Criminal Liability for Muzhelozhstvo” of March 7, 1934, [http://www.libussr.ru/doc\\_ussr/ussr\\_3947.htm](http://www.libussr.ru/doc_ussr/ussr_3947.htm) [in Russian]

146 Raufov, F.Kh. A History of the Development of Laws of the Republic of Tajikistan on Liability for Violent Actions of a Sexual Nature. <https://cyberleninka.ru/article/v/istoriya-razvitiya-zakonodatelstva-respubliki-tadzhikistan-ob-otvetstvennosti-zanasilstvennye-deystviya-seksualnogo-haraktera> These terms come from the names for male child prostitution in the Uzbek and Tajik languages. [in Russian]

Beginning in 1933, raids were periodically held in the Soviet Union to uncover homosexuals. For example, a September 1933 memorandum to Stalin reported on the OGPU's discovery of an "association of pederasts" in Moscow and Leningrad with the subsequent arrest of 130 people.<sup>147</sup> Homosexuals were tracked by law enforcement officers (raids were held in places where gays gathered). They were forced to denounce each other and were "exposed" by witnesses or "victims."<sup>148</sup> Accusations of "*muzhelozhstvo*" were often politically motivated, and the main evidence of guilt was generally confessions obtained under pressure and witness testimony. Court proceedings were closed, which meant that, among other things, there were no official statistics on people convicted under this article. Thus, this article transformed into a tool of repression fairly rapidly.

The criminal reforms of the 1960s replaced previous versions of criminal codes and introduced new codes in republics that had not previously had them. These laws and regulations, which were in effect until the late 1990s, contained homophobic articles of the same tenor. Almost all the criminal codes of the 1960s used the term "*muzhelozhstvo*;" only Armenia and Uzbekistan used the terms "*homosexuality*" and "*besakalbazlyk*," respectively. Punishment for "*sexual contact between men*" varied by republic from one year to five years' imprisonment (up to one year: Ukrainian SSR; from one to three years: Uzbek SSR; up to two years: Kyrgyz, Moldovan, Tajik, Estonian SSR; up to three years: Azerbaijan, Armenian, Kazakh, Lithuanian SSR; from three to five years: Georgian SSR; up to five years: Belarusian, Lithuanian, Turkmen SSR, and RSFSR). It was only in Ukrainian SSR that imprisonment could be replaced with exile of up to three years given the absence of qualifying elements.

Aggravating circumstances that increased the term under the "*muzhelozhstvo*" article varied slightly throughout the Soviet Union. Beginning with the use of physical violence and perpetration of a crime against a minor (Ukrainian SSR), taking advantage of a victim's dependent position (Azerbaijan, Moldovan, Uzbek SSR, RSFSR), threat of violence (Armenian, Belarusian, Georgian, Kyrgyz, Tajik, Turkmen SSR) and a victim's helpless state (Latvian, Lithuanian, Estonian SSR) were added to this article. The unique qualifying element "*use of psychological force*" was listed in the Criminal Code of the Moldovan SSR, and "*other aggravating circumstances*" was found in the Criminal Code of the Kazakh SSR. With a lowest terms of two to three years in most republics, the maximum terms varied from up to five years (Moldovan, Ukrainian SSR) and up to six years (Kyrgyz, Tajik, Estonian SSR) to up to eight years (in the remaining republics). Only the laws of the Estonian SSR stipulated that imprisonment could be combined with exile of up to three years.

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147 Khili, D. *Homosexual Leanings in Revolutionary Russia. The Regulation of Gender and Sexual Dissidence*. Moscow, 2008, p. 223. [in Russian]

148 Ibid, pp. 253-254.



**TABLE 1.**  
**ARTICLES ON “MUZHELOZHSTVO” IN THE CRIMINAL CODES**  
**OF THE REPUBLICS OF THE USSR**

Soviet Republic	Term and definition	Article	Punishment	Aggravating elements	Punishment with aggravating elements
<b>Azerbaijan</b> Criminal Code adopted on December 8, 1960, entered into force March 1, 1961	“Muzhelozhstvo” Sexual contact between men	113	up to three years’ imprisonment	using violence or taking advantage of a victim’s dependent condition, or against a minor	three to eight years’ imprisonment
<b>Armenian</b> Criminal Code adopted on March 7, 1961, entered into force July 1, 1961	Homosexuality A sexual act between men	116	up to five years’ imprisonment	physical violence, threats or threats against a minor, or taking advantage of a victim’s dependent condition	three to seven years’ imprisonment
<b>Belarusian</b> Criminal Code adopted December 29, 1960, entered into force April 1, 1961	“Muzhelozhstvo” Sexual contact between men	119	up to five years’ imprisonment	with the use of physical violence, threats, or against a minor, or taking advantage of the victim’s dependent position	up to eight years’ imprisonment
<b>Estonian</b> Criminal Code adopted January 6, 1961, entered into force April 1, 1961	“Muzhelozhstvo”	118	up to two years’ imprisonment	with the use of violence or threats of violence, or taking advantage of a victim’s helpless position, or perpetrated against persons known to be under the age of 18	two to six years’ imprisonment with possible exile of up to three years
<b>Georgian</b> Criminal Code adopted December 30, 1960, entered into force March 1, 1961	“Muzhelozhstvo” Sexual contact between men	171	from three to five years’ imprisonment	Muzhelozhstvo committed with the use of physical violence, threats, or against a minor, or taking advantage of the victim’s dependent position	up to eight years’ imprisonment
<b>Kazakh</b> Criminal Code adopted July 22, 1959, entered into force January 1, 1960	“Muzhelozhstvo”	104	up to three years’ imprisonment	with the use of violence or against a minor, or under other aggravating circumstances	three to eight years’ imprisonment
<b>Kyrgyz</b> Criminal Code adopted December 29, 1960, entered into force May 1, 1961	“Muzhelozhstvo”	112	up to two years’ imprisonment	with the use of force or against a minor, or taking advantage of the victim’s dependent position	two to six years’ imprisonment
<b>Latvian</b> Criminal Code adopted January 6, 1961, entered into force April 1, 1961	“Muzhelozhstvo”	124	up to five years’ imprisonment	with the use of force or threats of force, taking advantage of a victim’s helplessness or dependent position, or against a minor	three to eight years’ imprisonment

<b>Lithuanian</b> Criminal Code adopted June 26, 1961, entered into force September 1, 1961	"Muzhelozhstvo"	122	up the three years' imprisonment	with the use of physical violence or threats, or taking advantage of the victim's dependent or helpless state, or against a minor	three to eight years' imprisonment
<b>Moldovan</b> Criminal Code adopted March 24, 1961, entered into force July 1, 1961	"Muzhelozhstvo," i.e. sexual contact between men	106	up to three years' imprisonment	against a minor, or by using physical or psychological violence, or by taking advantage of a victim's helpless state	two to five years' imprisonment
<b>RSFSR</b> Criminal Code adopted October 27, 1960, entered into force January 1, 1961	Sexual contact between men	121	up to five years' deprivation of freedom	Muzhelozhstvo committed with the use of physical violence, threats, or against a minor, or taking advantage of the victim's dependent position	up to eight years' imprisonment
<b>Tajik</b> Criminal Code adopted August 17, 1961, entered into force December 1, 1961	Sexual contact between men ("muzhelozhstvo")	125	up to two years' imprisonment	Muzhelozhstvo committed with the use of physical violence, threats, or against a minor, or taking advantage of the victim's dependent position	up to six years' imprisonment
<b>Turkmen</b> Criminal Code adopted December 22, 1961, entered into force May 1, 1962	Sexual contact between men ("muzhelozhstvo")	126	up to five years' imprisonment	Muzhelozhstvo committed with the use of physical violence, threats, or against a minor, or taking advantage of the victim's dependent position	two to eight years' imprisonment
<b>Ukrainian</b> Criminal Code adopted December 28, 1960, entered into force April 1, 1961	"Muzhelozhstvo," i.e. sexual contact between men without violence	122	up to one year imprisonment or up to three years' exile	with the use of violence or against a minor	up to five years' imprisonment
<b>Uzbeki</b> Criminal Code adopted May 21, 1959, entry into force January 1, 1960	"Besakalbazlyk" ("muzhelozhstvo"), i.e. sexual contact between men without violence	100	one to three years' imprisonment	with the use of force or by taking advantage of the dependent position of a victim, or against a minor	two to eight years' imprisonment

After the dissolution of the Soviet Union, almost half of the former republics decriminalized same-sex relationships between 1991 and 1995 (Belarus, Latvia, Lithuania, Moldova, Russia, Ukraine, Estonia). In 1997 and 1998, several Central Asia countries (Kyrgyzstan, Kazakhstan, and Tajikistan) cancelled criminal liability for "muzhelozhstvo." Republics in the Caucasus retained criminal liability into their independence: until 2000 (Azerbaijan and Georgia) and until 2003 (Armenia).

For example, since 1991, 65 people have been prosecuted under the article "Homosexuality" since 1991.<sup>149</sup> One person convicted in 1997 was given a two-year term and faced sexual violence

149 V. Ishkhanyan. "Criminal Punishment for Homosexuality in an Independent Armenia" [in Armenian], March 13, 2017, <https://hetq.am/hy/article/77137>

and repressions in prison because of the nature of the article. He was forced to hide his conviction over many years, including from family members.<sup>150</sup>

Now same-sex contacts are not criminally prosecuted in the vast majority of former Soviet countries if the act is consensual and there is no violence or coercion. The exceptions are Uzbekistan and Turkmenistan, where sexual contacts are still criminalized.

Only three countries (Lithuania, Ukraine, and Estonia) have completely rejected the use of homophobic terminology in descriptions of the elements of a crime. In the remaining countries, this unacceptable terminology continues to be used in criminal codes even today: in the criminal codes of Turkmenistan and Uzbekistan, the terms “muzhelozhstvo”/“besakalbazlyk” are only used in articles that criminalize consensual MSM sexual relations; in the remaining 10 former Soviet countries, the unacceptable terms “muzhelozhstvo,” “homosexuality,” “pederasty,” and “lesbianism” are included in the description of the article “Violent Actions of a Sexual Nature,” which relates to crimes against sexual integrity and sexual freedom. The criminal codes of the majority of these countries use the term “muzhelozhstvo.” The criminal codes of Armenia and Moldova use the analogous “homosexuality,” while Latvia’s criminal code uses “pederasty.”

The violent nature of the crimes punishable under the criminal codes of various countries is described as: “muzhelozhstvo,’perpetration with use of violence or a threat of violence against the victim, (or against others or against relatives), “or taking advantage of the helpless state of the victim/victims/ persons,” “against the will of the victim,” “with the use of physical or psychological force or taking advantage of a person’s inability to defend themselves or express their will” (the last is the unique wording used in Moldova’s criminal code).

At the same time, in three countries forcible “muzhelozhstvo” relates to “other sexual contacts in a perverse form” (Georgia), “satisfaction of sexual desire in unnatural/perverse forms” (Latvia, Moldova). In seven countries, forcible “muzhelozhstvo” relates to “other [violent] acts of a sexual nature” (Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan). In seven countries (Belarus, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Russia, and Tajikistan), “lesbianism” is classified as a perverse form of sexual contact along with “muzhelozhstvo.”

Of the following qualifying elements named as specific aggravating circumstances in the criminal codes of various countries (they are varied and hierarchically arranged in different orders), the most frequently encountered are: perpetration by a group or collusion by a group / two or more people; infection with a venereal disease; infection with HIV/AIDS; perpetration against a minor, a preteen, a pregnant person with peculiar severity or repeatedly; or perpetration of an earlier crime against sexual inviolability.

Less frequently encountered are: perpetration against a close relative (Tajikistan) / family member (Moldova); perpetration by parents, teachers, or other persons who have a duty to raise children (Kazakhstan) / against people under the guardianship, protection or treatment of the accused (Moldova); taking advantage of an official position (Georgia); resulting in death or grievous bodily injury; accompanied by the threat of murder or violence that poses a danger to life and health (Kazakhstan); perpetration during an emergency situation (Kazakhstan) or during mass unrest / taking advantage of the conditions of mass unrest (Tajikistan).

Punishment for the perpetration of crimes with qualifying elements reaches up to 20 years’ and even life imprisonment, with restrictions on the right to hold certain positions for a period of up to 20 years.

Thus, even though consensual same-sex relationships between men have been decriminalized in the majority of former Soviet countries, the criminal codes of many of these countries still use odious, stigmatizing, and completely unacceptable terminology that should be immediately removed from laws.

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150 “I Spent Two Years in Prison for Love,” Women in Prison website, 2018 [in Russian], <https://women-in-prison.ru/page3379049.html>

**TABLE 2. ARTICLES OF THE CURRENT CRIMINAL CODES OF THE EX-SOVIET COUNTRIES USING UNACCEPTABLE TERMINOLOGY**

Alternative article	Qualifying elements	Sentence
<b>Armenia</b> 01-08-2003 – Date article on “muzhelozhstvo” revoked		
Article 139 <sup>1</sup> Sexual Assault	139.1 – <b>Homosexuality</b> or other sexual acts perpetrated against the will of a male/female victim with the use or threat of violence against a male/female victim or another person, or taking advantage of the helpless state of a male/female victim  139.2 – These same acts: 1) perpetrated by a group of people; 2) perpetrated with particular brutality in relation to a male/female victim or another person; 3) perpetrated against a male/female minor; 4) inadvertently resulting in the death of a male/female victim or other grave consequences; 5) perpetrated by a person who previously committed a crime under articles 138 and 139  139.3 – The acts listed in Part 1 and Part 2 in relation to a victim (victims) under the age of 14	Deprivation of liberty: 139.1 - 3 to 6 years 139.2 – 4 to 10 years 139.3 – 8 to 15 years
Article 140 Sexual Coercion	Coercion of a person into sexual intercourse, <b>homosexuality</b> , or other sexual acts using blackmail, the threat of destroying, harming, or confiscating property, or by taking advantage of the material or other dependency of a male/female victim.	Fine: 200 to 300 minimum monthly wages, or corrective labor: 1 to 2 years, or deprivation of liberty: 1 to 3 years
<b>Azerbaijan</b> 01-09-2000 – Date article on “muzhelozhstvo” revoked		
Article 150 <sup>2</sup> Sexual Assault	150.1 – <b>Muzhelozhstvo</b> or other sexual acts with the use or threat of violence against the victim or other persons, or taking advantage of the victim’s helpless state  150.2 – These same acts: 150.2.1 perpetrated by a group, a group in collusion, or an organized group; 150.2.2 resulting in infection of the victim with a venereal disease; 150.2.3 perpetrated in relation to an individual known to be a male/female minor; 150.2.4 perpetrated with particular brutality in relation to the victim or other persons; 150.2.5 perpetrated repeatedly  150.3 – These same acts: 150.3.1. inadvertently resulting in the victim’s death; 150.3.2 inadvertently resulting in HIV infection or other serious consequences for the victim; 150.3.3. perpetrated in relation to a person known to be under the age of 14	Deprivation of liberty: 150.1 – 3 to 5 years 150.2 – 5 to 8 years 150.3 – 8 to 15 years
Article 151 Sexual Coercion	Coercion of a person into sexual intercourse, <b>muzhelozhstvo</b> , or other sexual acts using the threat of destroying, harming, or confiscating property, or by taking advantage of the material or other dependency of the victim is punishable with corrective labor for 1 to 2 years or deprivation of liberty 1 to 3 years.	Corrective labor: 1 to 2 years, or deprivation of liberty: 1 to 3 years

Alternative article	Qualifying elements	Sentence
<b>Belarus</b> 01-03-1994 - Date article on "muzhelozhstvo" revoked		
Article 167 <sup>3</sup> Sexual Assault	167.1 – <b>Muzhelozhstvo, lesbianism</b> , or other sexual acts performed against the will of a male/female victim with the use or threat of violence, or taking advantage of the helpless state of a male/female victim  167.2 – These same acts, perpetrated repeatedly, or by a person who previously perpetrated rape, a group of people, or in relation to a known male/female minor  167.3 – The acts listed in Part 1 and Part 2 in relation to a known male/female minor, or inadvertently resulting in the death of a male/female victim, or causing grave bodily injury, HIV infection, or other grave consequences	167.1 – Restriction of liberty: up to 4 years, or deprivation of liberty 3 to 7 years  167.2 – deprivation of liberty: 5 to 13 years  167.3 – deprivation of liberty: 8 to 15 years
Article 168 Sexual Intercourse or Another Sexual Acts with a Person Under the Age of 16	168.1 – Sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or other sexual acts performed by an adult with a person known to be under the age of 16 and in the absence of the elements listed in articles 166 and 167  168.2 – These same acts performed by a person who previously committed a crime under articles 166 - 168, or by a person charged with the obligation to raise, support, or ensure the health and safety of a minor, or by a group of people	168.1 – restriction of liberty: up to 4 years, or deprivation of liberty: up to 4 years with a fine  168.2 – deprivation of liberty: 3 to 10 years
<b>Estonia</b> 01-06-1992 - Date article on "muzhelozhstvo" revoked		
Articles of the Criminal Code do not contain the words "muzhelozhstvo, homosexuality, lesbianism" <sup>4</sup>		
<b>Georgia</b> 01-06-2000 - Date article on "muzhelozhstvo" revoked		
Article 138 <sup>5</sup> Sexual Assault	138.1 <b>Muzhelozhstvo, lesbianism</b> , or other unnatural form of sexual contact with the use or threat of violence, or taking advantage of the helpless state of a male/female victim  138.2 – These same acts, perpetrated: a) repeatedly; b) by a person who previously committed crimes under articles 139 -141 of the present Code; c) in relation to women known to be pregnant or a known male/female minor  138.3 Sexual assault: a) by a group of people; b) resulting in the death of the victims(s); c) resulted in HIV-infection or serious damage of the health of the victim, or other grave consequences; d) of particular brutality; e) taking advantage of an official position  138.4 – Sexual assault in relation to a person under the age of 14	Deprivation of liberty: 138.1 – 3 to 7 years 138.2 – 5 to 15 years 138.3 – 5 to 15 years 138.4 – 10 to 20 years
Article 139 Coercion to Perform Sexual Intercourse or Another Sexual Act	139.1 Coercion to perform sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or another form of sexual contact with the threat of disclosing damaging information or harming property, or taking advantage of material, employment-related, or other dependency  139.2 – These same acts committed in relation to a male/female minor	139.1 – fine, or deprivation of liberty: up to 3 years  139.2 – deprivation of liberty: 5 to 7 years
Article 140 Sexual Intercourse and Other Sexual Acts with a Person Under the Age of 16	Sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or other unnatural sexual contact between an adult and a person known to be under the age of 16	Deprivation of freedom: 7 to 9 years

Alternative article	Qualifying elements	Sentence
<b>Kazakhstan</b> 16-07-1997 – Date article on “muzhelozhstvo” revoked		
Article 121 <sup>o</sup> Sexual Assault	<p>121.1 - <b>Muzhelozhstvo, lesbianism</b>, or other sexual act with the use or threat of violence against a male/female victim or other people. or taking advantage of the helpless state of a male/female victim</p> <p>121.2 These same acts:</p> <ol style="list-style-type: none"> <li>1) by a group or a group in collusion;</li> <li>2) perpetrated with the threat of murder or with particular brutality in relation to a male/female victim or other persons;</li> <li>3) resulting in infection with a venereal disease;</li> <li>4) repeatedly;</li> <li>5) during the performance of official duties</li> </ol> <p>121.3 – The acts listed in Part 1 and Part 2: paragraphs 1), 3), and 5) have been deleted;</p> <ol style="list-style-type: none"> <li>2) inadvertently causing grave harm to the health of a male/female victim, infection with HIV, or other grave consequences;</li> <li>4) during an emergency situation or a period of mass unrest;</li> <li>6) by a criminal group</li> </ol> <p>121.3-1 – The acts in Part 1, Part 2, or Part 3:</p> <ol style="list-style-type: none"> <li>1) in relation to a minor;</li> <li>2) in relation to a minor by a parent, step-parent, teacher, or other person upon whom the Republic of Kazakhstan has imposed the obligation to raise this minor;</li> </ol> <p>121.3-2 – The acts in Part 1, Part 2, Part 3, or Part 3.1:</p> <ol style="list-style-type: none"> <li>1) in relation to two or more minors</li> <li>2) inadvertently resulting in the death of a male/female victim</li> </ol> <p>121.4 – The acts in Part 1, Part 2, Part 3(2), Part 3.1, and Part 3.2 committed in relation to a child</p>	<p>Deprivation of liberty:</p> <p>121.1 – 5 to 8 years</p> <p>121.2 – 9 to 12 years</p> <p>121.3 – 12 to 15 years with or without deprivation of the right to hold certain positions or engage in certain activities: 10 years</p> <p>121.3-1 – 12 to 17 years with lifelong deprivation of the right to hold certain positions or engage in certain activities</p> <p>121.3-2 – 17 to 20 years with lifelong deprivation of the right to hold certain positions or engage in certain activities, or lifelong deprivation of liberty</p> <p>121.4 – 20 years with lifelong deprivation of the right to hold certain positions or engage in certain activities, or lifelong deprivation of liberty</p>
Article 122 Sexual Intercourse or other Sexual Acts with a Person Under the Age of 16	<p>122.1 – Sexual intercourse, <b>muzhelozhstvo, lesbianism</b>, or other sexual acts with a person known to be under the age of 16</p> <p>122.2 – These same acts committed in relation to a person under the age of 16 by a parent, step-parent, teacher, or other person upon whom the Republic of Kazakhstan has imposed the obligation to raise this minor;</p> <p>122.3 The acts in Part 1 or Part 2:</p> <ol style="list-style-type: none"> <li>1) repeatedly;</li> <li>2) in relation to two or more people</li> </ol>	<p>122.1 – restrictions on liberty: up to 5 years, or deprivation of liberty: up to 5 years</p> <p>122.2 – deprivation of liberty: 7 to 10 years with lifelong deprivation of the right to hold certain positions or engage in certain activities</p> <p>122.3 – deprivation of liberty: 10 to 15 years with lifelong deprivation of the right to hold certain positions or engage in certain activities</p>
Article 123 Coercion to Perform Sexual Intercourse, <b>Muzhelozhstvo, Lesbianism</b> , or Other Sexual Act	<p>123.1 – Coercion to perform sexual intercourse, <b>muzhelozhstvo, lesbianism</b>, or other sexual acts through blackmail, threats of destroying, harming, or confiscating property, or by taking advantage of the material or other dependency of a male/female victim</p> <p>123.2 – These same acts perpetrated in relation to a male/female minor</p>	<p>123.1 – a fine in the amount of three thousand MCIs, or corrective labor in the same amount, or restriction on liberty: up to 3 years, or deprivation of liberty: up to 3 years</p> <p>123.2 – a fine in the amount of 5,000 MCIs, or corrective labor in the same amount, or restriction on liberty: up to 5 years, or deprivation of liberty: up to 5 years</p>

Alternative article	Qualifying elements	Sentence
<b>Kyrgyzstan</b>		
01-10-1997 – Date article on “muzhelozhstvo” revoked		
Article 162 <sup>7</sup> Sexual Assault	<p>162.1 - <b>Muzhelozhstvo, lesbianism</b>, or other sexual acts with the use or threat of violence against a male/female victim or other people, or taking advantage of the helpless state of a male/female victim</p> <p>162.2 These same acts:</p> <ol style="list-style-type: none"> <li>1) perpetrated by a group or a group in collusion;</li> <li>2) perpetrated with the threat of violence that causes danger to life or health;</li> <li>3) with particular brutality in relation to a male/female victim or other people</li> </ol> <p>162.3 – The acts in Part 1 or Part 2:</p> <ol style="list-style-type: none"> <li>1) inadvertently causing grave harm to the health of a male/female victim,</li> <li>2) in relation to a known male/female minor</li> </ol> <p>162.4 – The acts in Part 1, Part 2, or Part 3 in relation to a child (children)</p>	<p>162.1 – deprivation of liberty: for minors: 2.5 to 4 years, for others: 5 to 7.5 years</p> <p>162.2 – deprivation of liberty: for minors: 4 to 6 years, for others: 7.5 to 10 years</p> <p>162.3 – deprivation of liberty: for minors: 6 to 8 years, for others: 10 to 12.5 years</p> <p>162.4 - deprivation of liberty: for minors 8 to 10 years, for others: 12.5 to 15 years, or lifelong deprivation of liberty</p>
Article 163 Sexual Coercion	Coercion of people into sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or other sexual acts through blackmail, or by taking advantage of the material or other dependence of a male/female victim in the absence of the elements listed in articles 161 and 162	<p>Restriction on position: 4 to 5 years,</p> <p>or corrective labor: for minors: 9 to 12 months, for others: 2.5 to 3 years,</p> <p>or a fine: for minors: 1000 – 1200 standard units, for others: 2200 – 2600 standard units,</p> <p>or deprivation of liberty: for minors: up to 1.5 years, for others: up to 2.5 years</p>
Article 164 Sexual Acts with a Person Under the Age of 16	Sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or other sexual acts performed by a person over the age of 18 with a person known to be under the age of 16 in the absence of the elements listed in articles 161 and 162	Deprivation of liberty: for minors: 4 to 6 years, for others: 7.5 to 10 years
<b>Latvia</b>		
1992 – Date article on “muzhelozhstvo” revoked		
Articles of the Criminal Code do not contain the words “muzhelozhstvo, homosexuality, lesbianism” <sup>8</sup>		
<b>Lithuania</b>		
1993 - Date article on “muzhelozhstvo” revoked		
Articles of the Criminal Code do not contain the words “muzhelozhstvo, homosexuality, lesbianism” <sup>9</sup>		

Alternative article	Qualifying elements	Sentence
<b>Moldova</b> 15-06-1995 - Date article on "muzhelozhstvo" revoked		
Article 172 <sup>10</sup> Sexual assault	<p>171.1 – <b>Homosexuality</b> or satisfaction of sexual desire in unnatural forms with the use of physical or psychological coercion, or taking advantage of a person's inability to protect themselves or express their wishes</p> <p>172.2 – These same acts perpetrated:</p> <p>a) by a person who previously perpetrated an act listed in Part 1;</p> <p>b) in relation to a person known to be a male/female minor;</p> <p>b1) in relation to a woman known to be pregnant;</p> <p>b2) in relation to a family member;</p> <p>c) by two or more people;</p> <p>d) with deliberate infection of a venereal disease;</p> <p>e) with particular brutality or out of sadistic impulses</p> <p>172.3 – The acts listed in Part 1 or Part 2:</p> <p>a) in relation to a person known to be under the age of 14;</p> <p>a1) in relation to people under the guardianship, wardship, or protection of the guilty party or being raised or treated by the guilty party;</p> <p>b) with deliberate infection of AIDS;</p> <p>c) inadvertently causing grave bodily harm or other harm to health;</p> <p>d) inadvertently causing the death of a male/female victim;</p> <p>e) causing other grave consequences</p>	Deprivation of liberty: 172.1 – 3 to 5 years 172.2 – 5 to 12 years 172.3 – 10 to 20 years or life-long imprisonment
<b>Russia</b> 27-05-1993 - Date article on "muzhelozhstvo" revoked		
Article 132 <sup>11</sup> Sexual Assault	<p>132.1 <b>Muzhelozhstvo, lesbianism</b>, or other sexual acts with the use or threat of violence against a male/female victim or other persons, or taking advantage of the helpless state of a male/female victim</p> <p>132.2 – These same acts:</p> <p>a) perpetrated by a group, by a group in collusion, or by an organized group;</p> <p>b) perpetrated with the threat of murder or grave harm to health, or perpetrated with particular brutality in relation to a male/female victim or other persons;</p> <p>c) causing infections of a male/female victim with a venereal disease</p> <p>132.3 – The acts in Part 1 or Part 2:</p> <p>a) in relation to a male/female minor;</p> <p>b) inadvertently causing grave harm to the health of a male/female victim, infection with HIV, or other grave consequences</p> <p>132.4 – The acts in Part 1 or Part 2:</p> <p>a) inadvertently causing the death of a male/female victim;</p> <p>b) in relation to a person under the age of 14</p> <p>132.5 – The acts listed in Part 4(b) perpetrated by a person previously convicted of a crime against the sexual inviolability of a minor</p>	Deprivation of liberty: 132.1 – 3 to 6 years 132.2 – 4 to 10 years with or without restriction of liberty: up to 2 years 132.3 – 8 to 15 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 20 years and with restriction of liberty of up to 2 years 132.4 – 12 to 20 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 20 years and with restriction of liberty for up to 2 years 132.5 – 15 to 20 years with deprivation of the right to hold certain positions or engage in certain activities for up to 20 years, or lifelong deprivation of liberty



<p>Article 133 Sexual Coercion</p>	<p>133.1 Coercion of a person to perform sexual intercourse, <b>muzhelozhstvo</b>, <b>lesbianism</b>, or other sexual acts through blackmail, threats of destroying, harming, or confiscating property, or by taking advantage of the material or other dependency of a male/female victim</p> <p>133.2 – The same acts in relation to a male/female minor</p>	<p>133.1 – a fine of up to 120,000 rubles, or income for 1 year, or community service: up to 480 hours, or corrective labor: up to 2 years, or forced labor: up to 1 year, or deprivation of liberty: up to 1 year</p> <p>133.2 – forced labor of up to 5 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 3 years, or deprivation of liberty: up to 5 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 3 years.</p>
<p>Article 134 Sexual Intercourse and Other Sexual Acts with a Person Under the Age of 16</p>	<p>134.1 – Sexual intercourse with a person under the age of 16 performed by a person over the age of 18</p> <p>134.2 – Muzhelozhstvo or lesbianism with a person under the age of 16 performed by a person over the age of 18</p> <p>134.3 – The acts listed in Part 1 or Part 2 with a person between the ages of 12 and 14</p> <p>134.4 – The acts listed in Part 1, Part 2, or Part 3 in relation to two or more people</p> <p>134.5 – The acts listed in Part 1, Part 2, Part 3, or Part 4 by a group, a group in collusion, or an organized group</p> <p>134.6 – The acts listed in Part 3 perpetrated by a person previously convicted of a crime against the sexual inviolability of a minor</p>	<p>134.1 – community service up to 480 hours, or restriction of liberty of up to 4 years, or forced labor of up to 4 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 3 years, or deprivation of liberty: up to 4 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 10 years.</p> <p>134.2 – compulsory labor for up to 5 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 3 years, or deprivation of liberty: up to 6 years with or without deprivation of the right to hold certain positions or engage in certain activities of up to 10 years.</p> <p>134.3 – deprivation of liberty: 3 to 10 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 15 years and with or without restriction on liberty of up to 2 years</p> <p>134.4 – deprivation of liberty: 8 to 15 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 20 years</p> <p>134.5 – deprivation of liberty: 12 – 20 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 20 years and with or without restriction of liberty for up to 2 years</p> <p>134.6 – deprivation of liberty: 15 – 20 years with deprivation of the right to hold certain positions or engage in certain activities for up to 20 years, or lifelong deprivation of liberty.</p>

Alternative article	Qualifying elements	Sentence
<b>Tajikistan</b> 21-05-1998 - Date article on "muzhelozhstvo" revoked		
Article 139 <sup>12</sup> Sexual Assault	139.1 - <b>Muzhelozhstvo, lesbianism</b> , or other sexual acts with the use or threat of violence against a male/female victim or their relatives, or taking advantage of the helpless state of a male/female victim  139.2 – These same acts perpetrated: a) repeatedly, or by a person who has previously perpetrated rape; b) by a group or a group in collusion; c) with particular brutality in relation to a male/female victim or their relatives; d) causing infection of a male/female victim with a venereal disease; e) in relation to a known male/female minor  139.3 – These same acts: a) in relation to two or more people; b) in relation to a close relative  139.4 – The acts listed in Part 1 and Part 2: a) in relation to a person known to be under the age of 14; b) in the case of an especially dangerous repeated offense; c) by an organized group; d) taking advantage of a disaster or mass unrest	Deprivation of liberty: 139.2 – 7 to 10 years 139.3 – 10 – 15 years 139.4 – 15 to 20 years
Article 140 Sexual Coercion	Coercion of a person to perform sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or other sexual acts through blackmail, the threat of destroying, harming, or confiscating property, or by taking advantage of the material or other dependency of a male/female victim	Fine: 500 to 700 calculation indices, corrective labor of up to 2 years, or deprivation of liberty: up to 2 years
Article 141 Sexual Intercourse and Other Sexual Acts with a Person Under the Age of 16	141.1 – Sexual intercourse, <b>muzhelozhstvo, lesbianism</b> , or other sexual acts perpetrated with a person known to be under the age of 16 in the absence of the elements listed in articles 138 and 139  141.2 – These same acts: a) taking advantage of an official position; b) causing infection of the victim with a venereal disease; c) by a parent, teacher, or other person charged with the obligation to raise a child  141.3 – These same acts resulting in infection of the victim with HIV	Deprivation of liberty: 141.1 – 2 to 5 years  141.2 – 3 to 5 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 3 years  141.3 – 5 – 8 years with or without deprivation of the right to hold certain positions or engage in certain activities for up to 5 years

Alternative article	Qualifying elements	Sentence
<b>Turkmenistan</b>		
Article 135 <sup>13</sup> Sexual Intercourse Between Men ( <b>muzhelozhstvo</b> )	135.1 - <b>Muzhelozhstvo</b> , that is, sexual intercourse between men 135.2 – <b>Muzhelozhstvo</b> with the use or threat of physical violence, or taking advantage of the victim’s helpless state 135.3 – The act listed in Part 2: a) repeatedly; b) by two or more persons without collusion, or by a group in collusion; c) in relation to a known minor; d) causing infection of the victim with a venereal disease 135.4 – The acts in Part 2 and Part 3: a) in relation to a person known to be under the age of 14; b) inadvertently resulting in the victim’s death or causing grave harm to the victim’s health or infection with AIDS	Deprivation of liberty: 135.1 – up to two years with or without the obligation to live in a certain location: 2 to 5 years 135.2 – 3 to 6 years with or without the obligation to live in a certain location: 2 to 5 years 135.3 5 to 10 years with or without the obligation to live in a certain location: 2 to 5 years 135.4 – 10 to 20 years with or without the obligation to live in a certain location: 2 to 5 years
Article 137 Sexual Coercion	Coercion of a person to perform sexual intercourse, <b>muzhelozhstvo</b> , or other sexual act through bribery, threats of destruction of property, or taking advantage of a material or other dependency	Corrective labor: up to 2 years, or deprivation of liberty for up to 2 years
<b>Ukraine</b> 12-12-1991 - Date article on “muzhelozhstvo” revoked		
Articles of the Criminal Code do not contain the words “muzhelozhstvo, homosexuality, lesbianism” <sup>14</sup>		
<b>Uzbekistan</b>		
Article 120 <sup>15</sup> <i>Besakalbazlyk</i> ( <b>muzhelozhstvo</b> )	That is, sexual intercourse between men without violence	Restriction of liberty: 1 to 3 years, or deprivation of liberty: up to 3 years

1 <http://www.parliament.am/legislation.php?sel=show&ID=1349&lang=rus#18>

2 [http://continent-online.com/Document/?doc\\_id=30420353&doc\\_id2=30420353#pos=212;-94&pos2=1739;-110](http://continent-online.com/Document/?doc_id=30420353&doc_id2=30420353#pos=212;-94&pos2=1739;-110)

3 [https://kodeksy-by.com/ugolovnyj\\_kodeks\\_rb/167.htm](https://kodeksy-by.com/ugolovnyj_kodeks_rb/167.htm)

4 <https://www.riigiteataja.ee/akt/1844115>

5 <https://matsne.gov.ge/ka/document/download/16426/143/ru/pdf>

6 <https://zakon.uchet.kz/rus/docs/K1400000226>

7 <http://cbd.minjust.gov.kg/act/view/ru-ru/111527?cl=ru-ru>

8 <http://likumi.lv/doc.php?id=88966>

9 [https://sherloc.unodc.org/res/cld/document/ltu/criminal\\_code\\_of\\_lithuania\\_html/Lithuania\\_Criminal\\_Code\\_2000\\_as\\_amd\\_2010.pdf](https://sherloc.unodc.org/res/cld/document/ltu/criminal_code_of_lithuania_html/Lithuania_Criminal_Code_2000_as_amd_2010.pdf)

10 [https://www.legis.md/cautare/getResults?doc\\_id=120900&lang=ru](https://www.legis.md/cautare/getResults?doc_id=120900&lang=ru)

11 [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/](http://www.consultant.ru/document/cons_doc_LAW_10699/)

12 [https://online.zakon.kz/document/?doc\\_id=30397325#pos=8;-106](https://online.zakon.kz/document/?doc_id=30397325#pos=8;-106)

13 [http://continent-online.com/Document/?doc\\_id=31295286#pos=6;-141&sdoc\\_params=text%3D%25D0%25A3%25D0%25B3%25D0%25BE%25D0%25BB%25D0%25BE%25D0%25B2%25D0%25BD%25D1%258B%25D0%25B9%2520%25D0%25BA%25D0%25BE%25D0%25B4%25D0%25B5%25D0%25BA%25D1%2581%26mode%3Dindoc%26topic\\_id%3D31295286%26spos%3D1%26tSynonym%3D1%26tShort%3D1%26tSuffix%3D1&sdoc\\_pos=0](http://continent-online.com/Document/?doc_id=31295286#pos=6;-141&sdoc_params=text%3D%25D0%25A3%25D0%25B3%25D0%25BE%25D0%25BB%25D0%25BE%25D0%25B2%25D0%25BD%25D1%258B%25D0%25B9%2520%25D0%25BA%25D0%25BE%25D0%25B4%25D0%25B5%25D0%25BA%25D1%2581%26mode%3Dindoc%26topic_id%3D31295286%26spos%3D1%26tSynonym%3D1%26tShort%3D1%26tSuffix%3D1&sdoc_pos=0)

14 [http://continent-online.com/Document/?doc\\_id=30418109](http://continent-online.com/Document/?doc_id=30418109)

15 [http://fmc.uz/legisl.php?id=k\\_ug\\_21](http://fmc.uz/legisl.php?id=k_ug_21)

## SUMMARY

Members of the LGBTI+ community in Central Asia regularly endure numerous violations of their rights, homophobia, and discrimination in all areas of life, including employment, education, family life, personal interactions, and commercial and state services. LGBTI+ people do not feel safe in any country in the region. Governments largely ignore recommendations concerning the situation of LGBTI+ people made by international bodies. In the majority of these countries, NGOs are not able to register or work openly. Despite numerous problems and difficulties, human rights defenders and activists still find opportunities to cooperate with and support LGBTI+ people. They have dialogues with members of the government where possible, organize public events to protect LGBTI+ rights, and help with court cases against homophobes and try to ensure that they are punished. Sensing this support, members of the community gain the courage to demand protection of their rights. An increasing number of lawyers and attorneys are prepared to protect the rights of the LGBTI+ community. High-quality materials about LGBTI+ issues are appearing, and journalists are trying to report on SOGI issues in a politically-correct manner. Even in the most closed countries, like Uzbekistan and Turkmenistan, in the past year activists have started advocating for the decriminalization of MSM in spite of risks to their own safety.

Groups that make up the LGBTI+ community must endure specific forms of multiple discrimination and feel even more vulnerable as a result.

Patriarchal stereotypes and traditional practices have a negative impact on lesbian and bisexual women, significantly worsening their situation by depriving them of the freedom to manage their own lives and obligating them to conform to gender-specific models of behavior. Under the constant control of their relatives, women often cannot make decisions on their own, move around freely, or interact with people in real life or online and do not have secure access to information. LB women are most afraid of being outed to their families. Their relatives can reject them or use any form of violence against them. Dependence on family ties forces women to act against their own wishes, in particular, to agree to forced marriage if they cannot find a partner for a fictitious marriage. The negative attitude towards LB women is instrumental in the retention of the term “lesbianism” in the criminal codes of Kazakhstan, Kyrgyzstan, and Tajikistan. Not enough is known about the difficulties lesbian and bisexual women face because women in traditional societies are under constant control. But there is also a bias within the LGBTI+ community that women’s problems are not as significant as men’s problems.

Transgender people in Central Asian countries are often subjected to discrimination and a heightened risk of violence both because of their appearance and the fact that their documents do not match their appearance and because the people close to them are unwilling to accept their gender identity. Transgender women suffer from patriarchal stereotypes and face double discrimination. Their transitions are often more traumatic than they are for transgender men, including for the reason that women occupy a more oppressed position in traditional societies. Unable to find opportunities for employment, transgender women are often doomed to work in the sex business.

Many transgender people suffer from internal transphobia, which is compounded by various factors ranging from discrimination within the community to pressure from religious figures who are critical of gender transition. Rejection by their families and society, which is quite common for transgender people, forces them to move, not just to escape condemnation and discrimination, but also for their own safety. The high risk of being attacked and threatened intertwines with lack of access to protection of their own rights.

The gender transition procedures in all the countries in the region create a barrier for transgender people. Lacking the ability to complete the transition process, many are forced to live out of line with their identity. Faced with a high level of transphobia among both law enforcement bodies and regular citizens, transgender people are forced to make a choice: hide their identity or put their safety and lives at risk.

The stigmatization of people living with HIV has led to an increase in the risk of infection for LGBTI+ people and forces them to live an even more secretive life. Insufficient awareness, lack of safe access to free therapy, and fear of being outed for their status or SOGI have meant that some members of the community do not take antiretroviral therapy, which harms their health and also creates the risk of infection for potential partners. LGBTI+ people living with HIV live in a state of constant fear and are frequently even more excluded from fully participating in various areas of life. Multiple discrimination increases the likelihood of suicide among HIV-positive LGBTI+ people.

Turkmenistan and Uzbekistan continue to apply anachronistic legal norms to prosecute MSM. The situation is particularly difficult in Turkmenistan, where most men in the community serve prison sentences and many are prosecuted a second time and again deprived of liberty for many years. From the time of their arrest until the end of their prison term, these men are subjected to degrading treatment, torture, violence, and, in some cases, sexual assault. People who have served a sentence under Article 135 of Turkmenistan's Criminal Code have no chance of finding a good job or building a life for themselves. Instead, they must live in constant fear, waiting to be swept up by a new wave of persecution and end up back in the hands of law enforcement officers. Even though MSM in Uzbekistan rarely end up in jail, the risk of the article's application serves as another ground for blackmail. The criminalization of consensual same-sex relationships helps keep the level of homophobia in society high and effectively turns MSM into outlaws.

Many members of the community view law enforcement officers as the main threat to their personal safety, life, and health. LGBTI+ people frequently become repeat victims of violence, threats, extortion, and blackmail and are under constant pressure from police officers, who threaten to out them. Operational activities, which are periodically conducted in most countries in the region, keep LGBTI+ people in a state of ongoing stress and fear. The creation of special lists violates the rights of LGBTI+ people and makes them an easy target for persecution and humiliation.

The inability of LGBTI+ people to protect themselves from the arbitrary will of police officers means a total loss of their sense of security and vulnerability due to sexual orientation and gender identity, which is compounded by racial and ethnic discrimination for members of ethnic minorities. Police impunity gives rise to new violations and normalizes blackmail and inhumane treatment of LGBTI+ people.

Openly homophobic statements made by several government and religious figures both support and legitimize hatred of LGBTI+ people. Politicians manipulate the topic of SOGI to attract more supporters or discredit opponents. Artists also gain popularity by spreading homophobic ideas. Many media outlets replicate hate speech, and journalists use offensive words in their materials. Recently, many bloggers have started to support hate speech on the basis of SOGI and provoke citizens into attacking LGBTI+ people. Homophobic groups on social media are especially well developed in Uzbekistan, where the personal information of LGBTI+ people is published along with calls for reprisals and even video recordings of crimes. In most cases, the perpetrators are not prosecuted for hate speech or calls for violence.

LGBTI+ people in Central Asia regularly endure manifestations of homophobia that find their expression in various forms of violence. Blackmail and extortion and threats of outing and violence are part of life for many LGBTI+ people. Perpetrators in different countries use approximately the same methods of persecution. LGBTI+ people are most afraid of sham dates, when they can be beaten, humiliated, forced into sharing the contact information of other members of the community, recorded in humiliating videos, and even subjected to sexual assault. The inability to report crimes against LGBTI+ people only serves to stimulate homophobic attacks and even murder.

Hatred of LGBTI+ people leads to a high risk of dismissal or expulsion. In some cases, homophobes arrange attacks on members of the community and outings, sometimes in front of families, or take advantage of the vulnerable position of LGBTI+ people for material gain. There have been grievous cases of forced labor and sex slavery involving LGBTI+ people.

Sometimes an LGBTI+ person's family environment presents the greatest threat of all. Homophobia in Central Asian countries forces LGBTI+ people to constantly monitor their behavior, conceal their sexual orientation and gender identity, and lead a dangerous double life, often under the threat of physi-

cal reprisals by relatives. The majority of members of the community are most afraid of being outed or coming out to their families. Relatives may reject LGBTI+ people or try to “cure” them and may use various forms of violence or force them into marriage. Traditional views underlie the high importance of the family. Activists report that people who cannot mend ties with their family can even be rejected by members of the community. Even after being subjected to violence and humiliation by their relatives, LGBTI+ people still try to restore ties with them.

The path to a freer life may lie through leaving the country: Even though this can be difficult to accomplish, it does give some people the chance to break free of imposed stereotypical obligations and a life of constant fear. Even after moving, many LGBTI+ people continue to live in fear of persecution by the special services and homophobia on the part of fellow citizens living in the new country, as well as reprisals from friends and family members remaining in the country of origin.



