

OSCE Human Dimension Implementation Meeting 2018**Working session 8: “Tolerance and non-discrimination”
14/09 2018, Warsaw, Poland.**

Statement based on the documentation, monitoring, researches on situation of LGBT right in Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan 2018.

Mister/Madame Chair,

I am presenting this statement to address multiple forms of intolerance, discrimination and violence against lesbian, gay, bisexual, trans people that persevere in Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan perpetrated by various state and non-state actors.

Police officers regularly torture, persecute and extort LGBT people, while there are no protection mechanisms in place. Bias motivated acts of violence are not being investigated, equal access to the justice system does not apply to LGBT people.

As civil society we have documented cases of “corrective” rape of lesbian and bisexual women and family violence, none of which is addressed by any of the governments. In Tajikistan, the Ministry of Internal Affairs started creating lists of LGBT people in 2016, by which it allows police officers to track and hunt down LGBT people, arbitrarily arresting them, torturing and extorting them. In Uzbekistan, where same-sex conduct is still criminalized, police officers have been reported to kill trans women and gay men. While a gay man was being attacked and murdered by a crowd in public, the police stood by without taking any action. In Kyrgyzstan police officers have raided a sex worker apartment after the Minister of Internal Affairs had made a statement about cleaning the city from sex workers. They were detained and exposed to humiliation and mockery. Police officers invited journalists to film them. Research from Kazakhstan shows that half of the Kazakh LGBT community has experienced violence or hate crimes because of their sexual orientation or gender identity.

It is clear that existing legislation and policies in these countries do not protect LGBT people from violence and discrimination, while incitements to violence and discrimination against LGBT people are on the rise under the influence of negative publications in media and ongoing impunity of attackers. More and more LGBT people from the region are forced to flee and seek refuge in third countries.

In spite of the many acts of intolerance, discrimination and violence, the government of Tajikistan has forced organizations providing assistance and services to LGBT people and sex workers to close. They are forced to go underground and are not allowed to receive funding, while they are essential in promoting tolerance and non-discrimination of LGBT people and sex workers, and in providing assistance and services. In Kazakhstan, LGBT organization are officially allowed to register. However, in practice they have no opportunity to get officially recognized, as the government prevents them from operating as a full-fledged organizations receiving the various benefits that accompany formal legal status, including the right to open bank accounts, apply for institutional donor funding, and own or rent an office under their organizational names. In Uzbekistan, association is clearly out of the question.

Moderator, with the following recommendations we call on Kyrgyzstan, Kazakhstan, Tajikistan and Uzbekistan to:

1. Withdraw all discriminatory legislations and policies and introduce anti-discrimination legislation and effective policies to promote tolerance and non-discrimination.
2. Develop and implement a system of awareness raising of law enforcement agencies on issues of sexual orientation and gender identity, including through the inclusion of educational blocks on SOGI in the curricula of higher education institutions that prepare law enforcement officers in cooperation with LGBT organizations.
3. Guarantee equal access to justice and provide effective legal protection to LGBT people by law enforcement bodies.
4. Work with anti-corruption agencies to combat acts of blackmailing and extortion of LGBT people by police officers.