

12 September 2018

OSCE Human Dimension Implementation Meeting 2018
12/09 - 15/09 in 2018, Warsaw, Poland.

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

Working session 5: “Rule of Law to including arbitrary arrests, detention or exile and prevention of torture”.

Mister/Madame Chair,

I am presenting this statement on behalf of my colleague human rights defenders also from Tajikistan and Uzbekistan for whom participation in this conference would endanger their direct security.

Dear participating states, The many instances of arbitrary arrests, detention and torture of lesbian, gay, bisexual, trans people in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan need your urgent attention.

Arbitrary detention, extortion and blackmail are the most common types of police behavior when seen in public places. In Uzbekistan the criminal code even provides official grounds for arresting people having same sex sexual conduct upon 3 years imprisonment. But in other countries at the same time, there is not a single legislative norm that would somehow justify these detentions. However, the police works against the LGBT is on the rise and has not slowed down in the last year.

It is important to note that many LGBT people are afraid of any interaction with the police. They consider law enforcement agencies to be one of the most dangerous institutions for the LGBT community. Law enforcement bodies are perceived by the LGBT community not as sources and providers of protection of rights. They are perceived as the main sources of physical, psychological and emotional violence for the LGBT community.

To give you just one example, a lesbian human rights defender from Kazakhstan, who participated in HDIM only last year, was harassed and intimidated by a police officer who deceived her that she had been charged for committing a criminal offense. Having been treated as a dangerous high profile criminal, she was forcefully delivered to the temporary detention while being manhandled and threatened in the police car. She was detained with procedural violations at the end of the working day, which substantially complicated the process of finding an independent lawyer, was kept at the temporary detention premises for 3 hours.

LGBT people from Central Asia also face arbitrary arrests and humiliation in the Russian Federation. This year, when Russia held the Football World Cup, the Russian authorities organized a so-called clean-up of cities from undesirable residents and guests of Russia, with the help right-wing radical groups and police. LGBT people fell victim to degrading treatment, humiliation and violence. On a regular basis, migrant transwomen-sex workers from Central Asia face illegal raids, are being filmed and forced to lay face down on the floor with their hands cuffed. Police officers and right-wing radicals humiliate them, allowing insults about their gender identity and gender expression. They are oftentimes immediately

deported. Upon return in Tajikistan and Uzbekistan they are arrested and tortured, and even killed by police forces in Uzbekistan.

Persecutions of LGBT people are on the increase in some countries in the region. In Tajikistan for instance, law enforcement bodies started creating lists of LGBT people in 2016 organized by the Ministry of Internal Affairs. These lists have been used to persecute, blackmail and extort LGBT people. LGBT people were arbitrarily arrested and forced to disclose the status of other community members for registration. Blackmail, harassment and extortion by police officers, force young LGBT people to help them find other community members for extortion. If these young community members refuse to work with the police officers, they pressure them by threatening to disclose their sexual orientation publicly.

Recommendations:

We urge:

1. Uzbekistan to decriminalize same-sex conduct by withdrawing article 120 from the Criminal Code.
2. The Tajik government to stop persecution and extortion of LGBT people and dismantle any official and unofficial lists of LGBT individuals.

We call on all state parties to:

3. Guarantee equal access to justice and provide effective legal protection to LGBT people by law enforcement bodies.
4. 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 community LGBTIQ organizations.