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HDIM

Warsaw 3 October 2012

Working Session 14: Tolerance and Non-Discrimination II

Review of the implementation of commitments on promotion of mutual respect and understanding

We would like to draw the attention of the participating States to the situation of hate crimes against LGBT in the Central Asian region.

In most countries of the region, there is no hate crime legislation at all. In some of them there are criminal offences, recognised in the case of racism and sometimes other forms of discrimination, but which do not include sexual orientation or gender identity. We have to also mention that criminalization of homosexuality was banned in Tajikistan, Kazakhstan and Kyrgyzstan in the end of 1990s. However, in Turkmenistan and Uzbekistan homosexuality is still criminalized. Another important aspect to mention is that despite the fact of geographical, cultural and political similarities of Central Asian countries, each country has its own peculiarities regarding human rights of LGBT.

Generally speaking, some Central Asian countries direct their efforts to further democratization and supporting human rights; however they exclude and ignore human rights of LGBT and reject the importance of hate crime, violence and discrimination, directed to LGBT. The other problem is that most of governmental officials and officers at law enforcement agencies are not aware of the concept of hate crime at all.

Moreover, police misconduct is widespread. According to the data of local NGOs, who document cases of discrimination and violence against LGBT in Kyrgyzstan, more than half of such cases were violence by the police. For instance, Labrys documented more than 70 cases of hate crimes, more than half of them were the violence by the militia, including blackmail, torture, intimidation, illegal arrests, and illegal intrusions into the private property. However, only one case was filed to law-enforcement agencies; and, unfortunately, the report was refused. No single case of violent incidents is therefore investigated. This very low level of reporting of violence against LGBT is due to the threat of security of LGBT's health and lives, as well as lack of trust in police among LGBT individuals.

Recommendations:

1. We strongly recommend the participating states of Central Asia, which still criminalize homosexuality, to put ends to such legislation.

2. We call all participating states of Central Asia to develop anti-hate crime and antidiscrimination laws, mentioning sexual orientation and gender identity as well.
3. We recommend all Governments of Central Asia to initiate educational programs for governmental officials and representatives of law enforcement agencies on the issues of hate crime.
4. We recommend OSCE field missions to support overall hate crime monitoring by civil society, including LGBT-related hate crime monitoring and to sensitize LGBT issues in their programs.