



# INVISIBLE VOICES

REGIONAL REPORT  
ON VIOLATIONS OF THE RIGHT  
TO HEALTH OF LGBT PEOPLE  
IN THE REGION OF EASTERN EUROPE  
AND CENTRAL ASIA  
IN 2022

TALLINN  
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## LIST OF ABBREVIATIONS

**AIDS** Acquired immune deficiency syndrome

**ECOM** Eurasian Coalition on Health, Rights, Gender and Sexual Diversity

**EECA** Eastern Europe and Central Asia

**HIV** Human immunodeficiency virus

**LGBT people** Lesbian, gay, bisexual and trans people

**MSM** Men who have sex with men

**NGO** Non-governmental organization

**PEP** Post-exposure prophylaxis

**PrEP** Pre-exposure prophylaxis for HIV

**REAct** "Rights-Evidence-Action" — community-level system for monitoring and responding to human rights violations

**SOGI** Sexual orientation and gender identity

**STI** Sexually transmitted infections

**UNAIDS** Joint United Nations Programme on HIV/AIDS

# INTRODUCTION

This regional report on violations of the right to health of lesbian, gay, bisexual and trans people (LGBT people) in the Eastern Europe and Central Asia (EECA) region in 2022 was developed based on the results of a consolidated analysis of data on rights violations in 8 countries of the region: Armenia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Ukraine, and Uzbekistan.

Since 2017, the Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM) has been monitoring violations of human rights, including the right to health, in the EECA region. The main tool for such monitoring is the documentation of cases in accordance with a single approved form. An analysis of the collected cases of violations of the right to health makes it possible to identify the barriers faced by LGBT people in the EECA region and in individual countries.

## *The objectives of this analysis are to:*

- identify the nature of human rights violations against LGBT people in the EECA region;
- identify the root causes of violations and the impact of legislation and law enforcement practices in the EECA region;
- provide recommendations for removing barriers, and further use such recommendations to advocate for the right to health of LGBT people in the EECA region.

The regional report on violations of the right to health of LGBT people in the EECA region in 2022 was developed based on an analysis of data collected and provided by:

- consultants of ECOM's network as part of monitoring violations of the right to health in five countries: Armenia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan;
- partner organizations as part of the REAct ("Rights-Evidence-Action") community-level system for monitoring and responding to human rights violations in two countries: Moldova and Ukraine;
- a partner organization from Russia, which monitors violations of the rights of LGBT people in the country.

All cases presented in the report are similar in that sexual orientation and gender identity (SOGI) or human immunodeficiency virus (HIV) status formed the basis for the human rights violations. If a violation was committed without reference to the SOGI and/or HIV status of the victims, it was not included in the analysis.

The report includes not only cases directly related to violations of the right to health, but also to violations of the other human rights of LGBT people. According to the Political Declaration on HIV and AIDS, all human rights and fundamental freedoms must be integrated into HIV programs and strategies<sup>1</sup>, because the environment has an effect on the realization of the right to health.

<sup>1</sup> United Nations (2021). Political Declaration on HIV and AIDS: Ending Inequalities and Getting on Track to End AIDS by 2030. [https://www.unaids.org/sites/default/files/media\\_asset/2021\\_political-declaration-on-hiv-and-aids\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/2021_political-declaration-on-hiv-and-aids_en.pdf)

Physical and sexual violence, as well as hate speech, exacerbate internalized and external homo- and transphobia, which negatively affects access to HIV services and hinders access to health care when needed.

*The authors of the report express their thanks to:*

- ECOM consultants monitoring violations of the rights of gay men, other men who have sex with men (MSM) and trans people for their work in identifying and documenting cases;
- The International Charitable Foundation «Alliance for Public Health» and partner organizations of the REAct system for monitoring and responding to cases of human rights violations and for providing data for analysis;
- The LGBTQ+ group «Coming Out» for monitoring and responding to cases of human rights violations and providing data for analysis;
- representatives of the LGBT community for their willingness to seek help in cases where their rights are violated and to speak up about the ongoing situation.

## METHODOLOGY AND LIMITATIONS

*This regional analysis of violations of the right to health of LGBT people in the EECA region was carried out in accordance with the following steps:*

- 1 Documenting cases of human rights violations against LGBT people at the national level by ECOM country activists/monitors; if monitoring of rights violations is not carried out in a country by ECOM, then data collected by ECOM partners in countries is used for the analysis.
- 2 Validating and comparing data with previous analyses of legal barriers to the right to health to identify trends at the national level.
- 3 Analyzing and developing recommendations on eliminating legal barriers and barriers related to law enforcement practices in relation to LGBT people at the national level.
- 4 Systematizing and unifying the data obtained by ECOM country monitors and partner organizations into a single regional-level analytical document.

*When interpreting the data presented in the regional report, a number of limitations should be taken into account, namely:*

- 1 Depending on the source of information, the quality and completeness of documented information may vary, which makes it difficult to conduct a comparative analysis across all countries in the EECA region. In addition, the number of documented cases in a particular country, as well as a comparison of indicators between countries, does not reflect the real situation in relation to violations of the rights of LGBT people, since this depends on the capabilities and resources of monitoring teams in each country.
- 2 The data presented in the report does not fully reflect the prevalence of certain violations in the EECA region. The number of documented cases is related to a number of factors, in particular:
  - the capabilities and experience of monitoring teams, in particular, the number of monitors in different countries depended on the financial capabilities of ECOM and did not always cover existing needs;
  - varying representation between monitoring teams in large cities of the country and in remote settlements: if local LGBT organizations and initiatives are based in large cities that are open to partnership for monitoring, then monitoring outside such cities is complicated by the lack of access to community representatives and the situation regarding human rights violations could be worse;
  - the impact of the monitor's identity in terms of their ability to reach certain victims and document relevant cases of rights violations: a trans person is more likely to have access to trans people, while a gay person will be able to reach a larger number of other gay men and MSM whose rights have been violated
  - there was no targeted data collection on violations of the rights of lesbian, bisexual and queer women, but several cases where they were the victims were documented and taken into account in the preparation of the report.

- 3 Given the above, an analysis of the year's trends in relation to the number of violations of the rights of LGBT people is limited and is not included in the report. However, in the relevant sections of the report, data from previous years is mentioned, as it can be illustrative and reveal certain trends in the region.

Thus, the number of cases documented and included in the analysis does not reflect the actual prevalence of violations of the rights of LGBT people, including the types of violations and violators, both in the EECA region and in each individual country. At the same time, the data presented in the report makes it possible to identify the range of problems faced by members of the community and the specifics of such violations in particular countries in the region.



# BRIEF OVERVIEW OF THE MAIN LEGISLATIVE CHANGES IN THE EECA REGION IN 2022

This regional report presents the main changes in the legislation in the EECA region in relation to the right to health and other related rights that took place in 2022 in 8 countries of the region. More details about the legal barriers affecting the quality of life of LGBT people in the region can be found in publications devoted to analyzing national legislation in the countries of the EECA region, which is carried out by ECOM on an annual basis (both for each country and for the region as a whole).

## Key changes that took place in 2022 include:



### ARMENIA

- In 2022, the revised Criminal Code came into force. In the new version, Article 71 includes an open-ended list of protected grounds in the context of hate crimes. SOGI can be understood as being included in the term «and other grounds». At the same time, there is no legislation in the country that clearly defines the prohibition of discrimination against LGBT people, or provisions containing SOGI as protected characteristics<sup>2</sup>.
- The new version of the Criminal Code also contains a provision on criminal liability for the unintentional transmission of HIV (previously, Article 123 provided for criminal liability for the intentional transmission of HIV and knowingly placing another person at risk of infection, and established penalties ranging from a fine to 6 years in prison)<sup>3</sup>.



### KAZAKHSTAN

- Changes in legislation did not take place or were not identified during the preparation of the report.



### KYRGYZSTAN

- In November 2022, the Parliament submitted for public discussion the draft law «On ensuring the right to equality and protection from discrimination»<sup>4</sup>, which establishes the types of discrimination and protection mechanisms, but does not include SOGI or HIV status as protected characteristics.

<sup>2</sup> ЕКОМ (2022). Анализ национального законодательства Армении, связанного с СОГИ и ВИЧ. <https://ecom.ngo/library/analiz-zakonodateljstva-armenii>

<sup>3</sup> Уголовный кодекс Республики Армения. [http://www.parliament.am/draftreading\\_docs7/K-634\\_DR2.pdf](http://www.parliament.am/draftreading_docs7/K-634_DR2.pdf)

<sup>4</sup> Жогорку Кенеш Кыргызской Республики. На общественное обсуждение с 15 ноября 2022 года выносятся проект закона «Об обеспечении права на равенство и защите от дискриминации». <http://kenesh.kg/ru/article/show/9701/na-obshchestvennoe-obsuzhdenie-s-15-noyabrya-2022-goda-vinositsya-proekt-zakona-ob-obespechenii-prava-na-ravenstvo-i-zashtite-ot-diskriminatsii>



## MOLDOVA

- In April, a law was voted on to amend certain normative acts on hate crimes and hate speech, which contains SOGI as protected characteristics<sup>5</sup>.
- In May, a resolution «On the prohibition of propaganda of non-traditional LGBT relations in the territory of the autonomous territorial unit of Gagauzia» was adopted, according to which the media are prohibited from «producing and distributing materials on the coverage and promotion of non-traditional LGBT relations in the territory of Gagauzia»<sup>6</sup>.
- In October, amendments to the Criminal Code were voted on in order to impose the same punishment for the rape of a person of the same-sex and for the rape of a person of the opposite sex: imprisonment from 3 to 5 years. The new provisions come into force on January 1, 2023<sup>7</sup>.
- In December, amendments to the regulatory framework on non-discrimination and equality were approved, among the most important provisions of the adopted law is the expansion of the list of protected characteristics and the inclusion of SOGI in it<sup>8</sup>.



## RUSSIA

- In December 2022, a law came into force prohibiting the propaganda of «non-traditional sexual relations or preferences» among Russian citizens. Since 2013, the country has had a law prohibiting «gay propaganda» among minors, however, the new law restricts the dissemination of information about LGBT culture to people of all ages and officially prohibits the promotion of pedophilia and transgenerness, demonstrations by LGBT people, and the publication of information that promotes «sex change» to teenagers. Violations of the ban on «LGBT propaganda» can result in a fine of 400,000 rubles for ordinary citizens and up to 5 million rubles for legal entities, which may be required to suspend their activities for 90 days. Meanwhile, websites with such information will be included in the register of banned websites and blocked<sup>10</sup>.



## TAJIKISTAN

- In 2022, the Parliament adopted the «Law on equality and the elimination of all forms of discrimination»<sup>10</sup>, which introduced concepts such as «direct» and «indirect discrimination», «sexual harassment», «segregation» and «victimization». The functions of the authorized state body for ensuring equality and preventing all forms of discrimination are performed by the Commissioner for Human Rights, who examines whether draft regulatory legal acts comply with anti-discrimination norms. However, the law does not include SOGI in the list of protected characteristics, and therefore members of the LGBT community continue to face harassment, blackmail, and extortion, including from law enforcement agencies.

<sup>5</sup> Закон N111 от 21.04.2022 «О внесении изменений в некоторые нормативные акты». [https://www.legis.md/cautare/getResults?doc\\_id=131558&lang=ru](https://www.legis.md/cautare/getResults?doc_id=131558&lang=ru)

<sup>6</sup> GENDERDOC-M. Report of the Situation of the Rights of LGBT+ Persons in the Republic of Moldova, 2022

<sup>7</sup> Уголовный кодекс Республики Молдова. [https://www.legis.md/cautare/getResults?doc\\_id=134446&lang=ro](https://www.legis.md/cautare/getResults?doc_id=134446&lang=ro)

<sup>8</sup> GENDERDOC-M. Report of the Situation of the Rights of LGBT+ Persons in the Republic of Moldova, 2022

<sup>9</sup> ЕКОМ (2022). В России принят закон о «ЛГБТ-пропаганде». <https://ecom.ngo/news-eeca/rossiya-zakon-geypropaganda>

<sup>10</sup> Закон Республики Таджикистан от 19 июля 2022 года N1890 «О равенстве и ликвидации всех форм дискриминации». [https://online.zakon.kz/Document/?doc\\_id=34667551&pos=4;-90#pos=4;-90](https://online.zakon.kz/Document/?doc_id=34667551&pos=4;-90#pos=4;-90)



## UZBEKISTAN

- In August 2022, the Ministry of Internal Affairs of Uzbekistan proposed to approve the procedure for compulsory medical examination of persons with suspected HIV. According to the draft resolution of the Cabinet of Ministers, various groups are subject to compulsory examination, including gay and bisexual men, as well as contact persons. In addition to compulsory testing, it is provided that authorities keep records of people included in the «risk group» in order to prevent «moral and spiritual decay among the population»<sup>11</sup>. Forced testing is a violation of human rights and worsens the situation in the fight against HIV. The World Health Organization (WHO) and UNAIDS spoke out against compulsory HIV testing in a joint statement, emphasizing that testing should always respect personal choice, comply with human rights norms, and adhere to ethical principles and public health approaches<sup>12</sup>.



## УКРАИНА

- On February 24, 2022, the Law "On approval of the Decree of the President of Ukraine «On the introduction of martial law in Ukraine»" was adopted<sup>13</sup>, which states that the principle of extraterritoriality applies under martial law in the country: changes in civil status records can be made at any state civil status registration office. Accordingly, trans people can apply to change their first name, patronymic, gender marker and, if necessary, last name, at their actual place of residence rather than at their registered place of residence.
- On June 3, 2022, a petition to legalize same-sex marriage was posted on the website of the official Internet representation of the President of Ukraine, and received 28,592 votes out of the 25,000 required for consideration. On August 2, the response of the President of Ukraine was published, in which he explained that, according to the Constitution, marriage is considered to be the free union of a woman and a man, the basic law does not provide for alternative forms of marriage, and that under the conditions of martial law, in force in the country after Russia's full-scale invasion of the territory of Ukraine on 24 February 2022, it is forbidden to amend the Constitution of Ukraine. At the same time, the President said that the government had developed options for resolving the issue of legalizing registered civil partnerships as part of the work to affirm and ensure human rights and freedoms<sup>14</sup>. At the time this report was drafted, in March 2023, a draft law on civil partnerships for same-sex and opposite-sex couples was registered in the Verkhovna Rada of Ukraine, the main purpose of which is to enshrine in legislation the new institution of registered partnerships<sup>15</sup>.
- In June, the law «On amendments to certain legislative acts of Ukraine on strengthening the protection of workers' rights» was adopted, which retains a direct prohibition on discrimination based on SOGI, and adds such a prohibition to other legal acts, including the law «On advertising», which is related to job advertisements<sup>16</sup>.

<sup>11</sup> ЕКОМ (2022). Анализ национального законодательства Республики Узбекистан, связанного с СОГИ и ВИЧ.

<https://ecom.ngo/library/analiz-zakonodateljstva-armenii> <https://ecom.ngo/library/analiz-zakonodateljstva-uzbekistan>

<sup>12</sup> Заявление ВОЗ и ЮНЭЙДС относительно услуг тестирования на ВИЧ (на англ. языке)

[https://www.unaids.org/sites/default/files/media\\_asset/2017\\_WHO-UNAIDS\\_statement\\_HIV\\_testing\\_services\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/2017_WHO-UNAIDS_statement_HIV_testing_services_en.pdf)

<sup>13</sup> Закон України «Про затвердження Указу Президента України «Про введення воєнного стану в Україні».

<https://zakon.rada.gov.ua/laws/show/2102-20#Text>

<sup>14</sup> Офіційне інтернет-представництво Президента України. Легалізація одностатевих шлюбів.

<https://petition.president.gov.ua/petition/144562>

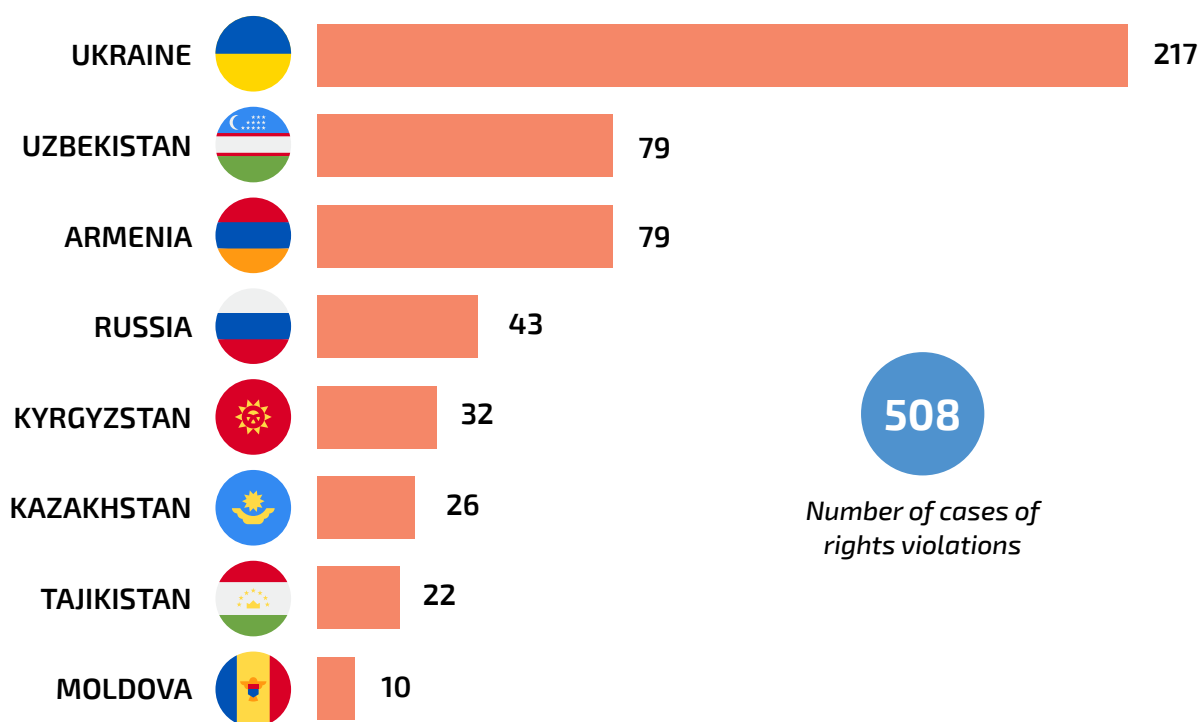
<sup>15</sup> Проект Закону про інститут реєстрованих партнерств. <https://itd.rada.gov.ua/billInfo/Bills/Card/41497>

<sup>16</sup> Закон України «Про внесення змін до деяких законодавчих актів України щодо посилення захисту прав працівників».

<https://zakon.rada.gov.ua/laws/show/2253-IX#Text>

# ANALYSIS OF CASES OF RIGHTS VIOLATIONS COLLECTED IN 2022

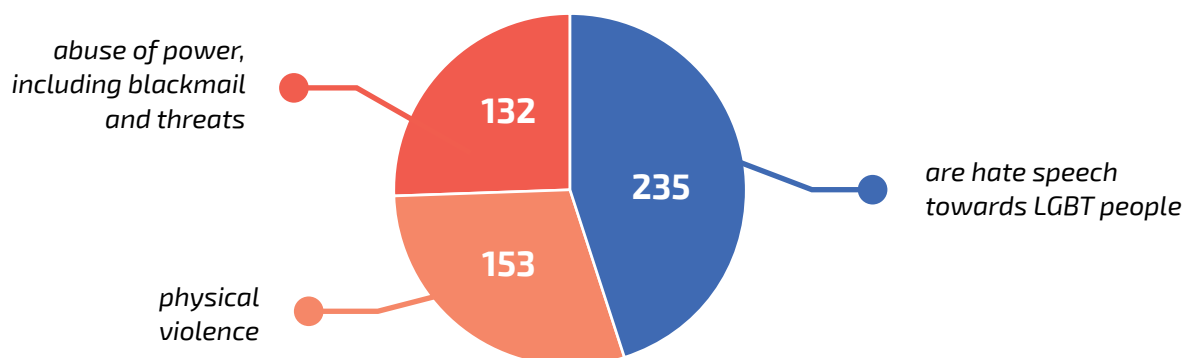
In total, in 2022, 508 cases of human rights violations against LGBT people were recorded in 8 countries of the EECA region. Often, one case included several separate violations of rights simultaneously, and, accordingly, different types of violators. The largest number of cases was documented in Ukraine (217), the least in Moldova (10), which can be explained by the different scale and resources of projects to identify cases of violation of the rights of the target group in countries, as well as other limitations indicated above in the report.



## TYPES OF VIOLATIONS

All cases of human rights violations collected in 2022 were analyzed by type, however, one case could include several types of violations at once (for example, when hate speech is accompanied by physical violence, the disclosure of victims' personal data leads to restrictions/violations of their labor rights, etc.). Thus, in 508 documented cases, there are 772 violations.

The three most common types of violations are hate speech towards LGBT people (235 cases), physical violence (153 cases) and abuse of power, including blackmail and threats (132 cases).



TYPE OF VIOLATION	COUNTRY								TOTAL
	ARMENIA	KAZAKHSTAN	KYRGYZSTAN	OLDOVA	RUSSIA	TAJIKISTAN	UZBEKISTAN	UKRAINE	
Abuse of power (including cases of blackmail and threats)	15	7	8	1	3	16	40	42	132
Refusal to provide medical services/provision of medical services of insufficient quality	13	5	12	-	1	1	3	29	64
Disclosure of personal data (SOGI and/or HIV status)	12	6	5	-	3	3	12	17	58
Hate speech	36	7	15	1	4	7	53	112	235
Physical violence	34	6	11	1	4	8	35	54	153
Criminal punishment for homosexuality	-	-	-	-	-	-	6	-	6
Sexual violence	5	-	2	-	-	3	1	2	13
Restriction/violation of labor rights	1	2	4	6	4	-	2	13	32
Restriction of freedom of speech and/or liability for LGBT propaganda	-	1	-	-	25	-	1	-	27
Refusal to provide services for amending documents/refusal of services due to amended documents	2	-	1	-	1	-	-	11	15
Refusal of accommodation/forced eviction	-	2	-	1	-	-	-	18	21
Other	1	-	-	1	3	-	-	11	16
<b>TOTAL VIOLATIONS</b>	<b>119</b>	<b>36</b>	<b>58</b>	<b>11</b>	<b>48</b>	<b>38</b>	<b>153</b>	<b>309</b>	<b>772</b>

## Abuse of power (including cases of blackmail and threats)

In 2022, 132 cases of abuse of power, including blackmail and threats, were documented. In this category of rights violations, two main trends stand out: refusal to provide assistance to victims, including investigating cases, and incorrect behavior on the part of law enforcement agencies (and in Ukraine, on the part of military personnel or representatives of the territorial defense at checkpoints), as well as blackmail and threats by strangers who find themselves in a position of power in connection with the SOGI and/or HIV status of victims.

*In terms of law enforcement agencies, there are documented cases where their representatives:*

- refused to help victims because of their SOGI, while often subjecting victims to psychological or physical violence, especially if the victims were part of the trans community. When police did open cases against violators, they were not seen through, and were closed for various reasons, for example, due to a lack of sufficient evidence. When seeking help from law enforcement agencies, victims engaged in sex work face offensive attitudes, and are told either not to file a complaint against the violators, or are reminded that the provision of sex services will result in corresponding criminal or administrative liability.
- demanded bribes and blackmailed victims while threatening to disclose their personal data and initiate cases under certain criminal articles due to the SOGI of the victims, including when they independently turned to law enforcement agencies for help. In Uzbekistan, this issue is more acute due to the existence of an article criminalizing homosexual relations, which can also lead to charges under article 113 when victims are HIV-positive («knowingly putting another person at risk of infection or infecting a person with HIV/AIDS» is punishable by deprivation of liberty from five to eight years)<sup>17</sup>.

Cases of blackmail and threats by unknown persons who victims meet on social networks are common. During such meetings, violators, having obtained photos and videos, as well as the personal data of the victims, blackmail them by threatening to distribute these materials and subject them to physical violence if they are not paid a certain amount of money (in some cases, this can reach up to \$2,500). It is not uncommon for perpetrators to pose as law enforcement officers. Although it is not always possible to verify the validity of these claims (perpetrators do not show identification and are not in uniform), this stops victims from seeking help from the police. In some cases, these encounters also lead to physical violence, which is covered in more detail in the section on «Physical violence».

<sup>17</sup> Уголовный кодекс Республики Узбекистан. <https://lex.uz/mobileact/111457>

## Refusal to provide medical services/provision of medical services of insufficient quality

In 2022, 64 cases of refusal to provide medical care or the provision of medical services of insufficient quality were recorded. When compared to the previous year, when 23 such cases were recorded in the region, it can be concluded that monitors of violations of community rights are more effectively reaching victims, and that non-governmental organizations (NGOs) are better documenting such cases.

*Based on the results of the analysis*, several typical situations can be identified where victims' SOGI and/or HIV status serve as the basis for the denial of assistance or the provision of poor quality services. The following cases are typical in terms of general medical institutions and highly specialized specialists (such as cardiologists, surgeons):

- 1 Refusal to provide medical care, accompanied by ridicule, offensive statements and verbal abuse towards the patient, is often associated with the patient's HIV status. Often, trans people encounter such treatment, including when seeing family doctors, endocrinologists, and psychiatrists. For example, in Armenia, there was a case where a surgeon refused to perform facial plastic surgery on a trans woman, and made discriminatory statements to her, as well as a case where a doctor refused to perform a rhinoplasty due to the HIV status of the victim. In Russia, clinic staff denied a trans woman the opportunity to cryogenically preserve her sperm. They explained this decision by stating that, according to the accepted procedure, it was not possible to enter information about women into the «Database for recording and storing cryogenically preserved sperm», since only the personal data of men could be recorded.
- 2 Cases have also been documented where, although medical staff are willing to provide medical care, the care provided is inadequate. For example, in Kyrgyzstan, cases were recorded where, during hospitalization, HIV-positive gay men were placed in separate wards due to their HIV status and SOGI, and nurses forgot to come to them to set up drips, did not make daily rounds, etc. In Ukraine, a trans woman, who was in a psycho-neurological hospital as part of the transition process, faced ridicule from doctors, and did not receive the necessary decision from the relevant commission and a certificate attesting that she underwent examination in a hospital; in another case in a psychiatric ward, staff attempted conversion therapy on the victim, and subjected them to verbal abuse. Another case in Ukraine was documented where medical personnel refused to hospitalize a victim with confirmed pneumonia because of his sexual orientation.
- 3 Lack of knowledge and the inability to correctly ask patients questions about their SOGI and sexual life, which often involves the use of incorrect terminology.
- 4 Willingness to accept a patient with HIV, but services then cost several times more (Uzbekistan); refusal to provide medical assistance and agreeing to perform urgent surgery on a battered trans woman only after receiving full payment for the operation (Armenia); agreeing to «speed up» the issuance of drugs for the treatment of hepatitis C in exchange for 100 dollars (Ukraine).

The above cases can be regarded as systemic problems in the health sector, since they involve not only individual medical professionals, for example, practicing doctors, but also the management of medical institutions. Often, before refusing services to a patient, doctors contacted and consulted with the heads of departments or chief doctors of hospitals, after which they voiced their decision (and sometimes limited themselves to ignoring the patient without explaining any details).

In 2022, cases of violations of the rights of LGBT people by members of military medical commissions were recorded. *In Armenia, where homosexuality is a basis for exemption from compulsory military service, six cases where medical workers behaved offensively were recorded:*

- Refusal of a psychologist from the military medical commission to provide the victim with a referral for a consultation with a psychiatrist at a mental health center (according to the domestic procedure for exemption from military service), because «he is lying so he does not have to serve in the army».
- Carrying out a general medical examination, where five people who were under consideration by a military medical commission were invited to the office and asked to strip naked. While examining their genitals, the doctor publicly commented on the size of the victim's genitals, after which he ordered him to leave the office naked and get dressed in the corridor.
- Disclosure by the military medical commission of personal data about the SOGI of the victim to a therapist of the local polyclinic, which was linked with the launch of the nationwide «Armed» system in July 2022 in Armenia.
- Disclosure of personal data, which was accompanied by ridicule and discriminatory statements from the psychologist and cardiologist of the military medical commission, and subsequently from the head physician, to whom the victim turned to have the problem resolved.
- Referral to a mental health center to verify the gender identity of a trans woman, during which sanitary standards were not met («the victim was forced to urinate standing up»); the doctors and the head of the institution collectively examined the victim, ridiculed her, and made offensive statements. In addition, the doctors blackmailed the victim, demanded the contact number of her trans friend, and threatened her by saying she would be unable to obtain a driver's license and employment if she is released from military service.
- Compulsory one-day stay in a mental health center in order to obtain a psychiatrist's opinion on the gender identity of the victim.

In terms of medical services directly related to HIV, one case of denial of services by specialists of the AIDS Center occurred in Armenia, where, after receiving confirmation of a positive HIV status, the victim was refused medication on the grounds that he did not have a residence permit in the country. This situation was resolved only after a relevant non-governmental organization applied to the Ministry of Health and the National Center for Infection Research with a request to provide the free and preferential medical care guaranteed by the state. In Ukraine, a doctor of the AIDS Center refused to treat an HIV-positive victim with hepatitis C, arguing that «people like you will get infected again, there is no point in wasting medicines». In another case, specialists from the AIDS Center issued an incorrect certificate on HIV infection to the victim, which indicated a treatment regimen, rather than a diagnosis, in the document, which prevented him from being considered by the military medical commission.



There are also documented cases where the “formal” performance of the duties of AIDS Center employees is accompanied by offensive attitudes towards patients and the disclosure of their personal data, which violates the principles of medical ethics and privacy. A striking example of a complex violation of rights based on SOGI and HIV status is a case documented in Uzbekistan, which imposes criminal punishment for homosexual relations. After the victim received a positive HIV test result, the AIDS Center employees handed over his personal data to law enforcement agencies, and the patient himself was subjected to compulsory testing for sexually transmitted infections as part of a judicial investigation, as a result of which he was sentenced to 6 years in prison. In Tajikistan, an AIDS Center specialist disclosed a patient's personal data (HIV status and SOGI) to his family, which led to further physical abuse by relatives and his forced departure from the city. In Kazakhstan, a victim was subjected to discrimination, and his personal data was disclosed by an employee of the local AIDS Center, but he decided not to go to court due to fear of persecution and further threats from the staff of the institution. At the same time, the employee filed a defamation lawsuit, as a result of which the court ordered the victim to pay a fine of \$130.

When diagnosing patients with HIV, cases have been recorded where doctors threatened victims in order to collect information about their sexual partners and test them. For example, in Kyrgyzstan, several cases were documented where, as part of epidemiological research, doctors threatened patients that they would come to their homes with representatives of law enforcement agencies if they did not provide the personal data of their sexual partners and bring them to the AIDS Center for testing. In Kazakhstan, a similar case occurred, which also included the use of obscene language, the collection of biological samples without gloves, and, according to the victim, the use of non-sterile equipment. There are also documented cases where specialists from the AIDS Center informed the neighbors of the victim about the need for him to be tested for HIV, since he is a contact person, which led to the disclosure of his HIV status not only to family members, but also to strangers (who had no direct connection with the victim himself). In another case, they independently found and informed the spouse of the victim about his HIV status and sexual relations with men when explaining why she should be tested.

***Cases have been documented in Ukraine where victims were denied access to pre-exposure prophylaxis (PrEP) or post-exposure prophylaxis (PEP), on the pretext that:***

- it is necessary to jointly visit a medical institution with their partners, undergo testing, and provide their passports in order to receive PrEP;
- it is only possible to receive drugs after receiving a confirmatory negative HIV test result after three months, which is contrary to the established PrEP protocol in the country;
- it is only possible to receive drugs remotely from the city where the victim came from, and that PrEP is for «those that need it, not for gays»;
- PEP is not needed by the victim, despite the fact that he stated he had unprotected sexual contact with an HIV-positive man the same day.

*In Ukraine, there were also situations where family doctors refused to test for HIV and sexually transmitted infections, for example:*

- refusal to test for HIV and sexually transmitted infections (STIs) as part of a medical examination for service in the Armed Forces of Ukraine, and the use of discriminatory language in connection with the SOGI of the victim;
- refusal to test a minor for HIV without the presence of his parents, and requiring their presence when reporting the test results.

### **Disclosure of personal data (SOGI and/or HIV status)**

In 2022, 58 cases were documented involving the disclosure of personal data related to the SOGI and/or HIV status of LGBT people. In the majority of cases, the disclosure of personal data related to the SOGI and/or HIV status of victims occurs along with other rights violations, examples of which are described above in the report (for example, interactions with law enforcement agencies or medical workers).

In Armenia, cases were documented where personal data was disclosed by staff of military registration and enlistment offices; according to the legislation of the country, HIV-positive status and homosexuality are bases for exemption from military service. For example, in one case, after being exempted from military service, the victim was called to the police who initiated a criminal case against him for infecting another person with HIV. In another case, staff of the military registration and enlistment office provided information about the victim's sexual orientation to his father.

In Kazakhstan, the disclosure of personal data occurred in the media, where the passport data and photographs of trans people are disseminated.

In Russia, cases were documented involving the dissemination of personal data, including contact details of both activists and representatives of the LGBT community. In all three cases, this was related to the so-called law on the «prohibition of gay propaganda», which is described in more detail later in the report.

In Ukraine, the disclosure of personal data related to SOGI was committed by representatives of the territorial defense, border officials, and law enforcement during checks of telephones carried out under martial law. This is often accompanied by ridicule and insults, and the contents of telephones are often shown to colleagues who did not participate in the examination. In one case, border officials detained a trans woman and disseminated a video on social media showing how «a man dressed up like a woman in order to cross the border», which led not only to the disclosure of the trans woman's personal data, but also to harassment of her on the Internet.

In connection with the disclosure of personal data related to SOGI (or threats to disclose such information), **several typical situations have been identified:**

- Publication of photographs and information about the SOGI of victims on social media by users in thematic groups, which is often preceded by the extortion of money and blackmail.
- Disclosure of the personal data of victims by family members after unauthorized access to their telephones and social networks (for example, when the victim is not at home). In Armenia, a case was documented where, after an unsuccessful attempt to «reform» her gay son, a mother published a video from his personal phone to the Internet. In Ukraine, the mother of the victim's 17-year old partner forced her son to submit a statement about the victim to law enforcement, which resulted in the dissemination of his personal data and threats against him.
- The disclosure of information related to the SOGI of victims by acquaintances, friends, and colleagues, often on the Internet, including the creation of fake accounts for the victim on social networks.

### **Hate speech**

In 2022, 235 cases of hate speech were documented, which make up slightly less than half of all recorded cases in the 8 countries. In the majority of cases, this violation is not limited to verbal aggression and offensive statements, but is also linked to complex violations of the victims' other rights (for example, when discriminatory statements and curse words are accompanied by other types of violations and/or precede them). **The following are examples of cases of public hate speech, only involving this type of violation:**

- Discriminatory statements by NGO staff at a project group meeting on implementation of the Global Fund grant aimed at gay people who, according to the victim, are sub-granters of the organization (Kazakhstan);
- Incitement to violence against LGBT people, the use of hate speech and offensive language against the LGBT community by religious figures, including the posting of a fatwa against LGBT people on the official website of the Spiritual Administration of Muslims of Kazakhstan, according to which being gay, bisexual, or transgender is an unacceptable offense, that is contrary to human nature; speeches by religious figures on social networks calling for opposition to LGBT people and accusations that members of the community are destroying the nation (Uzbekistan);
- Incitement to violence against trans people and justification of such violence on a TV series shown in Armenia, in response to which, an NGO sent a letter to the Television and Radio Commission, which resulted in the television channel being fined;
- Public condemnation and subsequent judicial proceedings in response to two girls who kissed each other in an advertising campaign for a certain product, as a result of which, they were forced to apologize for their behavior, and their kiss was deemed a violation of the rules of societal behavior and public order (Uzbekistan);

- Dissemination of information in the media, and live broadcasting on social networks by bloggers and public figures, in which there were calls for violence against the LGBT community, as well as intolerance and hatred towards organizations providing assistance to LGBT people (Armenia, Uzbekistan);
- Statement by one of the regional centers of Ukraine that a "gay person cannot be a patriot", which was reported to the Ombudsman, as a result of which monitoring of media was carried out and an official report was published.

## Physical violence

In 2022, 153 cases of physical violence against LGBT people were documented in the 8 countries. The analyzed situation demonstrates that this type of rights violation occurs in various areas of life, and is typical of a wide range of violators. In three cases, physical violence also involved sexual violence, which is described in more detail in the relevant sub-section of the report.

The trend from 2021 continues by which violators are not just random people, but deliberately targeted LGBT people in order to commit an offense. There continue to be cases of persecution and physical violence against participants of LGBT events. *The following are the most common cases of rights violations involving the use of physical violence:*

- «Fake dates», when the victims are invited to meetings organized by radical groups and individuals with homo-/transphobic attitudes through correspondence on social networks or dating applications. At such meetings, physical force is used against the victims, they are beaten, and are forced to give access to the contents of their phones, they are then blackmailed and are forced to pay money in exchange for not having their personal data disseminated. In most cases, violators claim to be law enforcement officers (generally, they just say this is their work, but do not show any actual identification) in order to minimize the risks of victims contacting the police.
- Beating by family members, especially fathers and brothers, following the disclosure of victims' SOGI, mainly as a result of relatives taking victims' phones or accessing their social networks without permission. Often, physical abuse is systematic, and as a result, victims end up in hospitals, including intensive care units. In one of the cases that occurred in Uzbekistan, the father of the victim forcibly married his son to the daughter of a friend and threatened to murder him if he continued to engage in sexual relations with men.
- Beating of victims by current or former partners because of jealousy or if they decide to end the relationship; this is also accompanied by blackmail and offensive statements.
- The use of physical force against members of the community who provide sexual services for remuneration during meetings with clients; in almost all cases the victims were trans women.

*In addition to those described above, there are documented cases of physical violence specific to individual countries:*

- In Armenia, two cases of violence are linked to military service. In the first case, the victim was serving in the military, his comrades found out about his sexual orientation and reported it to the command, as a result of which he was subjected to violence and insults (despite the fact that NGO lawyers suggested filing a complaint about the incident with the Ministry of Defense, the victim refused to take any action to resolve the situation). The second case concerned physical violence on the part of the head of the military medical commission in the military registration and enlistment office.
- In Armenia, in three cases, the victim faced physical violence from children and teenagers in the street, who threw rocks and beat him with sticks, while in one of these cases, the reason for this behavior on the part of the offenders was the rainbow symbol on the clothes of the victim.
- In Tajikistan, two cases were documented involving physical violence on the part of the police. In one of the cases, the victim was detained for five days for being rude to law enforcement, and during his detention, he was subjected to beatings and torture, including electric shocks to his genitals.
- In Russia, in three out of four cases, unknown people committed physical violence, including a documented beating of an underage representative of the community.
- In Ukraine, 8 cases of physical violence were documented involving representatives of the territorial defense and military personnel. In one of the cases, military personnel at a checkpoint detained the victim because he did not have original paper copies of his identity documents, after which they dragged him into the basement and beat him; this was accompanied by homophobic statements. In another case, after a soldier found out his comrade was gay, he attacked him with a skewer and caused him bodily harm; his aggressive attack was stopped by other soldiers who came running to the cries of the victim.
- In Ukraine, in four cases, violence was committed by neighbors or cohabitants in temporary accommodations or hotels, in which the victims, who were internally displaced people, were accommodated after arriving to a new region; in all cases, they were provided with other accommodation after turning to human rights monitors for assistance.

### ***Criminal punishment for homosexuality***

This type of violation was recorded in 6 cases in Uzbekistan, where homosexuality is punishable by restriction of freedom (the person is prohibited from leaving the city, using the Internet, and from being outside at night) according to Article 120 of the Criminal Code; if the victim is HIV-positive, then Article 113 of the Criminal Code is also applied<sup>18</sup>.

<sup>18</sup> Уголовный кодекс Республики Узбекистан. <https://lex.uz/mobileact/111457>






At the same time, interrogations and investigations by law enforcement officers are accompanied by insults and humiliation, and methods of psychological pressure and threats are used to get victims to sign statements. In some cases, victims were subjected to physical violence and interrogated in the street in the nude. In all six cases, the victims were convicted. In three cases, the victims had a lawyer, however, during the proceedings, he just «sat and stayed silent».

Law enforcement agencies find out about the sexual orientation of victims primarily through the disclosure of data by medical workers (when HIV and STIs are detected) and the mandatory collection of data on the sexual partners of people previously convicted under the relevant articles.

## **Sexual violence**

In 2022, 13 cases of sexual violence were documented. However, the violators were not only law enforcement officers as was the case in 2021 (2 cases). This trend can be explained by the active work of monitors to identify violations, as well as by the subsequent work of non-governmental organizations with the community aimed at providing information about cases of sexual violence and reducing the fear of stigmatization, if such violence took place. Victims only turn to law enforcement agencies for help in cases of sexual violence in isolated cases, because they do not have trust in the police, fear re-stigmatization, and do not believe that law enforcement will respond to their complaints in the appropriate manner.

### **Documented cases of sexual violence include:**

-  3 cases were committed by law enforcement officers. In two cases, law enforcement officers detained trans women at a police station for 5 days, during which, in addition to interrogation, searches and seizure of personal belongings, they undressed and sexually harassed the victims (Tajikistan). In one case, the offender, an employee of the National Security Committee, met with the victim for sexual services as a client, forced him to have sex, and abused his “position” in order to avoid paying the agreed amount (Kyrgyzstan).
-  5 cases of sexual violence committed by private individuals were recorded in Uzbekistan, Kyrgyzstan, Armenia and Ukraine, where victims met men on social networks (in this case, gang rape occurred in three cases).
-  2 cases were committed on the street by private individuals who did not know the victims, which included physical violence, as well as murder threats (Armenia); in both cases, the victims turned to law enforcement agencies for help.
-  1 case of attempted rape committed by a taxi driver was documented in Armenia, but the victim managed to avoid intimate contact.
-  1 case of partner violence was documented in Armenia, where the victim's boyfriend forced him to provide sexual services for a fee, took the money he earned for himself, and kept him locked up.

- 1 case of sexual violence was documented by an employee of the military registration and enlistment office. During conscription, the victim was grabbed from the street and forcibly put into a minibus. After the military registration and enlistment office found out about his sexual orientation, the major forced the victim to perform oral sex as a condition for release. The victim did not ask for help, because the major threatened to publicly disseminate a recording of what happened in the office (this was filmed by a hidden camera, and the offender's face was not recorded) and the personal data of the victim (Tajikistan).

### Limitation/violation of labor rights

In 2022, 32 cases were documented where the labor rights of LGBT people were violated. *Typical situations include the following:*

- Denial of employment or dismissal from work due to SOGI. In one case documented in Kyrgyzstan and one in Ukraine, such a dismissal was followed by a refusal to pay wages owed for the last month; in Moldova, a case was documented where the victim had to pay unjustified fines.
- Denial of employment due to a person's unwillingness to disclose their HIV status. For example, in Kazakhstan, the victim, while being hired for employment as the administrator of a fitness center, was asked to sign an agreement providing voluntary consent to undergo a medical examination, which included the right of the employer to take any biological samples for any analysis. Since the man was living with HIV and did not want to disclose his status, «all the more so, since his status has no bearing on the job, and since the team was unlikely to take into account that he was on antiretroviral therapy and had an undetectable viral load», he refused to sign the consent form, and his employment contract was revoked by the employer.
- Dismissal due to the diagnosis of an employee with HIV infection, despite the fact that the position is not included in the list of professions from which people with HIV infection are prohibited. In Ukraine, the victim was fired due to his HIV status and SOGI, with the employer referring to the fact that «he posed a threat to visitors» of the cafe where he worked as a waiter.

In Russia, a case was documented where a trans woman was dismissed, and threatened with conscription and being sent to war.

Most often, dismissals were preceded by the disclosure of the SOGI or HIV status of the victims by their colleagues, including after illegally accessing their social networks and correspondence, and during public discussions or work conflicts within the team.

## Restriction of freedom of speech and/or liability for LGBT propaganda

In 2022, 27 cases related to restrictions on freedom of speech and prohibitions of LGBT propaganda were documented, 25 of which were in Russia. It should be noted that this violation accounts for half of all documented cases of rights violations in the country. As noted above, since 2013, the country has had a law prohibiting «gay propaganda» among minors, and since 2022, a law to restrict the dissemination of information about LGBT culture to all ages, which is aimed at prohibiting «propaganda of non-traditional sexual relations». **Examples of documented cases of rights violations include:**

- legal proceedings in connection with the operation of a website for queer persons, which is regarded as LGBT propaganda among minors;
- entering the employee of a psychological service providing assistance to the LGBT community into the register of foreign agents, and fining employees of an LGBT organization under the article on «gay propaganda»;
- detention by law enforcement officers of participants of a protest against the above-mentioned law.

According to the documented cases, the following actions resulted in the application of these legislative restrictions and increased attention from citizens, including law enforcement agencies, in Russia:

- display of certain symbols (for example, a rainbow flag hung on the window),
- dance performances by school students with «vulgar overtones»,
- videos on social networks including a survey of students on attitudes towards the LGBT community,
- videos with persons of the same sex kissing on personal social media pages,
- singing the national anthem with the LGBT flag in hand,
- comparing a political party's congress to an LGBT parade,
- a man wearing pink nail polish,
- a man wearing a kilt, which was equated with the «propaganda of homosexuality»,
- placement of a sculpture of a leopard with a man's head on a city street,
- visits to nude beaches resulting in threats from law enforcement to impose administrative penalties on the visitors for «debauchery on the beach».

Two cases of violations of the rights of LGBT activists for disseminating «LGBT propaganda» were documented in Uzbekistan and Kazakhstan:

- complaint by a student against an LGBT activist involved in supporting members of the community in crisis situations and promoting tolerant attitudes towards them at a university, as a result of which the victim was forced to continue higher education in another country (Uzbekistan);



- an NGO leader was summoned to the regional department of internal policy after a video from a gay wedding appeared on the Internet, which was interpreted as a provocation and LGBT propaganda; the situation ended up being resolved because the event in the video took place in a city where the NGO is not operating (Kazakhstan).

### ***Refusal to provide services to amend documents/refusal of services due to amended documents***

In 2022, there were 15 documented cases where trans people faced denial of services, negligence, and related difficulties in relation to the process of legal transition. The majority of the violations (11 cases) were recorded in Ukraine, which can be explained by the outreach of monitors to the trans community and their ability to record such cases. **Cases include the following:**

- under martial law, victims with a male gender marker in their documents were not allowed to cross the border; in one case, border guards were not aware that travel abroad is allowed if a person has a military passbook and a certificate of deregistration;
- refusal to remove the victim from the military registration based on an F64.0 diagnosis, the victim also faced discriminatory attitudes on the part of the staff of the military registration and enlistment office and was kicked out of their offices;
- refusal by military registration and enlistment offices to register the victim and provide them with a corresponding certificate outside their place of residence, which is contrary to the rules established under martial law; similar refusals to provide services outside the place of registration were documented when victims applied to civil registration authorities to amend their gender and name in their birth certificate;
- refusal of a public defender to provide assistance and counsel to a trans man who, after amending his documents, continued to be in a registered marriage with a man and did not know what his course of actions should be.

Inconsistencies between the passport data and appearance of trans people cause difficulties not only when crossing the border. For example, a trans woman was denied boarding an evacuation train from a frontline region by a railway employee, because the victim had amended her passport, but looked like a man. In addition, there was a case where the victim's request to use postal services was denied.

***There are also cases where trans people cannot receive certain services due to amendments to their documents:***

- When contacting a bank, despite providing an updated passport and documents confirming her legal transition, the victim's account and funds were blocked, since «it was impossible to confirm the identity of the account holder». Four months later, the woman managed to resolve the problem and get the deposit funds back from the bank.

- The request of a trans woman to obtain updated documents from a higher educational institution was refused, and a duplicate of her educational certificate corresponding to her new documents was issued only after she sent a corresponding complaint to the Ministry of Education and Science.

*Isolated cases were documented among trans people in Armenia, Kyrgyzstan and Russia, for example:*

- 2 cases where there were delays in obtaining documents by trans men at the civil registration office of the Ministry of Justice of the Republic of Armenia, which creates obstacles for the process of legal transgender transition;
- 1 case where a trans man was not allowed to amend the gender marker in his documents. The Department of Population Registration and Civil Status of the Ministry of Digital Development of the Kyrgyz Republic stated that there was a lack of legislative grounds for making amendments to civil status records if a person amends their gender marker, and accordingly, "there are no legal grounds for making amendments to civil status records (sex, first name, surname and patronymic), since the criteria for changing gender are not normatively established"; as a result, the victim filed a lawsuit with the administrative court of Bishkek, but was not successful;
- 1 case where a trans woman was refused a new passport after changing her gender marker; she was also accused of fraud and entering into a fake marriage by the prosecutor's office, and faced legal proceedings in connection with this (Russia).

### ***Refusal of accommodation/forced eviction***

In 2022, there were 21 documented cases of denial of residence and/or forced eviction of LGBT people based on their SOGI and/or HIV status. In two cases in Kazakhstan, an NGO was forced to urgently vacate the premises they had rented after the landlord found out about the LGBT focus of the organization; in another case, a victim in Moldova was denied housing in temporary accommodation centers due to their SOGI and HIV status.

18 such violations were recorded in Ukraine, where the issue of renting housing and accommodation in dormitories, hotels and temporary residence centers became particularly relevant after the start of the full-scale war between Russia and Ukraine, which led to mass migration and a large number of internally displaced persons. ***Typical violations related to the residence of LGBT people include the following:***

- The eviction of students from the dormitories of educational institutions at the initiative of dormitory supervisors, who explain that they are unwilling to have problems in case victims experience violence because of their SOGI or their «indecent and immoral behavior». After receiving assistance from monitors and sending relevant complaints to the management of institutions, these problems were resolved.
- Refusal to rent accommodation or urgent eviction from already rented premises on the basis of a person's SOGI or HIV status, including the unilateral termination of residential contracts, refusals to return deposits, or the theft of belongings from apartments.

- Refusal or eviction from temporary accommodation centers for internally displaced persons due to SOGI. A case was documented where a homosexual couple provided accommodation to an internally displaced family. However, after finding out about the SOGI of the owners of the apartment, the family complained to the city administration and requested to remove the victims from the list of persons providing temporary shelter, since they did not consider it safe to stay with them.
- Denial of accommodation in hotels (for holidays or business trips) due to the SOGI of the victims, staff members also made obscene statements.
- Refusing to allow trans victims into residential buildings due to inconsistencies between their documents and appearance, which causes suspicion among at the reception desk, especially given that martial law is in force.
- Forced eviction by partners due to the HIV status of victims.

## Other

### 16 «other» types of violations were recorded:

- 4 cases of damage to the property of the victims due to their SOGI committed by strangers or neighbors, for example, victims had their car damaged or blue paint poured on their property (Ukraine);
- 1 case of forced detention of a minor victim by his mother, after she became aware of her son's sexual orientation; she also prohibited him from using the Internet and telephone, going out and communicating with friends, and attending his educational institution; she forced him to travel to another country for «treatment» (Armenia);
- 1 case where a court decided to send a trans man to a women's penal colony, since the decision on changing sex was deemed illegal (Russia);
- 1 case of judicial negligence in a case involving the murder of a trans woman, as a result of which the perpetrator was released from the courtroom, since the time already spent in custody was counted towards the punishment (Russia);
- 1 case of imprisonment of LGBT people in a penal colony under a criminal article for participation in gang; the investigative proceedings were not conducted in a proper manner and the right to legal defense was not upheld (Russia);
- 1 case of refusal to include a photo in the victim's passport due to his SOGI by the penitentiary institution where the victim was held; this subsequently led to his inability to use the document (Moldova);
- 1 case where a trans woman was not allowed to use the women's locker room at a sport club, despite having amended her documents and undergone a surgical operation; their gender was visually assessed by the club administrators (Ukraine);
- 1 case where the victim was not accepted into the territorial defense force because of their transgener-ness (Ukraine);
- 1 case where a tourist agency refused to provide services, because the victim asked for one bed in a hotel for himself and his partner (Ukraine);

- 1 case where the victim was refused services at a driving school, and faced ridicule and prejudiced attitudes on the part of the staff because of his appearance and SOGI (Ukraine);
- 1 case where the victim was refused registration as an internally displaced person at a social support agency after he stated that he lived with his children and partner of the same sex (Ukraine);
- 1 case where the bank refused to exchange currency, because the victim could not provide documents confirming familial relations with his partner (under martial law, there are restrictions on the transfer and receipt of funds from individuals) (Ukraine);
- 1 case where Russian military personnel refused to let the victim leave the temporarily occupied territory due to his SOGI, which they found out about after his phone was examined during a search (Ukraine).

## TYPES OF VIOLATORS

In addition to citizens in public places, on the street or on social networks, and landlords, who were the most frequent violators of the rights of LGBT people (228 cases in 2022), rights violations by law enforcement officers also remain significant (109 cases). In addition to strangers and providers of certain services, members of the LGBT community face violations of their rights by their family members, friends, colleagues and employers, as well as by teachers; a total of 103 cases of rights violations by such people were documented.

TYPES OF OFFENDERS	COUNTRY								TOTAL
	ARMENIA	KAZAKHSTAN	KYRGYZSTAN	MOLDOVA	RUSSIA	TAJIKISTAN	UZBEKISTAN	UKRAINE	
Law enforcement officers	13	4	8	2	15	15	25	27	109
Military personnel	8	-	-	-	-	2	-	23	33
Medical workers	13	5	12	-	1	1	4	28	64
Citizens in public places, on the street and on social networks, landlords, excluding family members	41	13	7	2	14	3	44	104	228
Journalists, bloggers, politicians, public figures	4	3	1	-	1	-	5	-	14
Civil servants at various levels	4	1	1	-	8	-	-	4	18
Family members, friends	10	2	2	1	-	3	13	16	47
Employers and colleagues	3	3	4	6	7	-	2	20	45
Representatives of the education system	1	1	-	-	1	-	1	7	11

## SOGI OF VICTIMS

As noted earlier in the report, documented cases of violations of the rights of representatives of the LGBT community largely depend on the “outreach” of the monitoring team to the victims, the SOGI of monitors, as well as on the target group of the project for which data is being collected. For example, the smallest number of cases of rights violations was recorded against lesbian, bisexual, and queer women (8), which can be explained by the specifics of the data sources: the projects are mainly targeted at gay men, other MSM and trans people.

In all countries, the most frequently documented cases were those affecting MSM, gay and bisexual men (364 cases), with the exception of Russia, where more than half of the cases documented in the country related to the LGBT community as a whole. This was largely influenced by the effect of legislative acts in the country aimed at restricting the rights and freedoms of LGBT people, and «the fight against gay propaganda».

In 80% of cases of violations of the rights of trans people (79 out of 99), the victims were trans women. The three most common types of violations against them are similar to those faced by MSM, gay and bisexual men: hate speech, physical violence and abuse of power. However, nearly 1 in 10 trans women affected have experienced refusals to amend their documents or refusals of other services due to amendments to their documents.

SOGI OF THE VICTIMS	COUNTRY								TOTAL
	ARMENIA	KAZAKHSTAN	KYRGYZSTAN	MOLDOVA	RUSSIA	TAJIKISTAN	UZBEKISTAN	UKRAINE	
MSM, gay, and bisexual people	41	16	30	9	7	14	69	178	364
Trans people	33	6	2	1	7	8	3	39	99
<i>of which trans women</i>	30	6	–	1	5	8	3	26	79
Lesbian, bisexual and queer women	3	–	–	–	4	–	1	–	8
LGBT community in general	2	4	–	–	25	–	6	–	37
<b>Total</b>	<b>79</b>	<b>26</b>	<b>32</b>	<b>10</b>	<b>43</b>	<b>22</b>	<b>79</b>	<b>217</b>	<b>508</b>

SOGI OF THE VICTIMS	TYPES OF VIOLATIONS												TOTAL
	Abuse of power (including cases of blackmail and threats)	Refusal to provide medical services/provision of medical services of insufficient quality	Disclosure of personal data (SOGI and/or HIV status)	Hate speech	Physical violence	Criminal punishment for homosexuality	Sexual violence	Restriction/violation of labor rights	Restriction of freedom of speech and/or liability for LGBT propaganda	Refusal to provide services for amended documents / refusal of services due to amended documents	Refusal of accommodation/forced eviction	Other	
MSM, gay, and bisexual people	114	48	50	184	116	6	8	24	2	-	16	11	579
Trans people	17	15	5	38	32	-	5	7	2	15	3	4	143
<i>of which trans women</i>	17	13	5	33	28	-	4	4	2	10	1	2	119
Lesbian, bisexual and queer women	-	1	1	1	3	-	-	-	3	-	-	-	9
LGBT community in general	1	-	2	12	2	-	-	1	20	-	2	1	41
<b>TOTAL</b>	<b>132</b>	<b>64</b>	<b>58</b>	<b>235</b>	<b>153</b>	<b>6</b>	<b>13</b>	<b>32</b>	<b>27</b>	<b>15</b>	<b>21</b>	<b>16</b>	<b>772</b>

## BASES FOR RIGHTS VIOLATIONS

In 92% of cases (468 out of 408), the characteristic that formed the basis for the rights violation was SOGI, the second most common was the intersection of identities, whereby the violation was committed due to the SOGI and the HIV status of the victim. 9 violations were committed solely on the basis of HIV status, all of them were committed against MSM, gay and bisexual men. In addition, in 21 cases, the provision of sexual services for remuneration played an important role, which became an additional "reason" for misconduct against the victims; of these, 14 were cases involving trans people.

BASIS FOR HUMAN RIGHTS VIOLATION	COUNTRY								TOTAL
	ARMENIA	KAZAKHSTAN	KYRGYZSTAN	MOLDOVA	RUSSIA	TAJIKISTAN	UZBEKISTAN	UKRAINE	
HIV only	-	4	2	2	-	-	-	1	9
SOGI only	76	19	18	8	43	20	74	210	468
HIV and SOGI	3	3	12	-	-	2	5	6	31
<b>TOTAL</b>	<b>79</b>	<b>26</b>	<b>32</b>	<b>10</b>	<b>43</b>	<b>22</b>	<b>79</b>	<b>217</b>	<b>508</b>
Including the provision of sex services for compensation	8	3	2	-	-	3	5	-	21

BASIS FOR HUMAN RIGHTS VIOLATION	SOGI OF THE VICTIMS					TOTAL
	MSM, gay and bisexual men	Trans people	<i>of which trans women</i>	Lesbian, bisexual and queer women	LGBT community in general	
HIV only	9	-	-	-	-	9
SOGI only	328	97	77	7	36	468
HIV and SOGI	27	2	2	1	1	31
<b>TOTAL</b>	<b>364</b>	<b>99</b>	<b>79</b>	<b>8</b>	<b>37</b>	<b>508</b>
Including the provision of sex services for compensation	7	14	13	-	-	21

# CONCLUSIONS AND RECOMMENDATIONS

*Based on the results of the consolidated analysis of documented cases of violations of the right to health of LGBT people in the EECA region, several key points can be identified:*

- 1 The number of documented cases of rights violations in 2022 and the dynamics of previous years indicate the need to continue systematic efforts to identify and document cases of violations of the rights of LGBT people, and scale up existing projects by expanding the geography of data collection (for example, not limiting it to large cities) and involving partner organizations and/or activists who have access to certain subgroups of the LGBT community (for example, trans people). In this regard, it is also important to raise the awareness and legal literacy of community members, help them draft complaints and corresponding statements, and support their commitment to speaking up about violations when they occur.
- 2 The following trends recorded in previous years that continued in 2022 include:
  - a link between violations of the right to health and other violations faced by LGBT people, with the lack of effective remedies and police impunity remaining the main problems;
  - psychological and physical violence, sexual violence, blackmail, outing and extortion, as well as a refusal by law enforcement agencies to provide assistance remain common occurrences in the EECA region, which results in the reluctance of community members to turn to the police in order to protect their rights;
  - in Uzbekistan, punitive measures in relation to same-sex sexual activity and the criminalization of homosexual relationships between men remain in force, which can often lead to the disclosure of information about their HIV status and additional charges under criminal provisions on the transmission or risk of transmission of HIV.
- 3 In 2022, cases of the use of thematic groups on social networks by radical groups and citizens with homo- and transphobic attitudes in order to meet LGBT people and subject them to further physical violence, blackmail with threats to disclose personal data and extort money became more frequent. As in 2021, these incidents are more likely to be planned, with perpetrators preparing such attacks in advance, and in many cases posing as law enforcement officers, thereby preventing victims from seeking help from the police. To minimize such cases, it is recommended both to establish cooperation with the administrators of such chats and groups, and to raise the level of awareness of community representatives about online security, the possible risks of providing personal photo and video materials to strangers, and about ways to protect yourself when you first meet with someone from the Internet (for example, do not get into a car with several men if you agreed to meet one-on-one; arrange a meeting in a public place, etc.).



- 4 In 2022, cases were documented related to rights violations in military medical commissions and military registration and enlistment offices, as well as by military personnel serving in victims' units, and, in Ukraine, by representatives of the territorial defense on the street and at checkpoints. In wartime conditions, the high level of homo- and transphobia among these individuals increases the fear of LGBT people of facing stigmatization and discrimination from "people in uniform", and also leads to the need to hide one's SOGI from others, due to fears of a negative reaction. In this context, there is a need to conduct educational work with employees of military enlistment offices, military personnel and representatives of the territorial defense in order to develop tolerant attitudes and inform them of the inadmissibility of human rights violations. There is also a need to respond to and investigate cases if a violation has occurred. In addition, it is necessary to provide information and clarifications to members of military medical commissions on the algorithm of work, and familiarize them with existing legislative acts on trans people or people living with HIV.
- 5 Violations of the rights of LGBT people by medical workers are manifested in a variety of ways (for example, hate speech, extortion, disclosure of personal data) and are systemic in nature, since they are not limited to the actions of individual medical workers, but reflect the general «policy» of a medical institution in relation to LGBT people. It is necessary to continue informational and educational work with medical workers in order to develop tolerant attitudes towards LGBT people, ensure the non-discriminatory provision of services, and introduce relevant thematic modules into training programs for doctors. It is important to monitor cases of refusals to provide certain services (or the provision of services of inadequate quality), to monitor discriminatory treatment of patients by medical institutions on the basis of their SOGI and/or HIV status, and to ensure a timely response to such cases. Special attention should be paid to the provision of medical services to trans people, including the development of procedures and protocols for the provision of medical care with subsequent monitoring of compliance with such procedures and protocols.
- 6 Often, LGBT people face rejection of their SOGI and/or HIV status by family members, which, in addition to hate speech and violence, can lead to the expulsion or eviction of victims from their homes. In this regard, it is necessary to organize and conduct joint support groups and informational sessions for LGBT people and their relatives, and to teach community representatives how to properly come out in order to minimize possible negative consequences; implement laws on domestic violence and respond to violations of such laws; and organize shelters/crisis centers for LGBT people who cannot live with their families due to their SOGI and/or HIV status. The opening of shelters is also relevant since renting accommodation is often difficult due to the unwillingness of landlords to provide housing to LGBT people or people living with HIV.
- 7 Violations of the rights of trans people who wish to amend the gender marker in their documents, and their inability to receive certain services (for example, banking) resulting from amendments in their documents remain relevant issues. In this case, it is necessary, on the one hand, to inform trans people about their rights and courses of actions in case of refusal, for example, in civil registration offices, and on the other hand, to conduct educational work with employees of institutions to minimize such violations. In some countries, such as Kyrgyzstan, it is important to carry out advocacy work to amend relevant legislation, since currently, trans people can only change their gender marker through a court process, which is not always successful.

- 8 Despite the fact that hate speech was the leading type of violation of the rights of LGBT people in 2022, it is important to consider that the documented cases do not reflect the actual situation due to the limitations of the methodology. In most cases, such cases are documented either on the basis of a statement by the victim, or upon finding relevant statements in the media. To obtain reliable and comprehensive data for each country and for the region as a whole, it is worth considering conducting separate monitoring of hate speech, as it contributes to inciting hatred against the LGBT community and reinforcing stereotypes regarding HIV and/or SOGI.
- 9 Often, violations are committed but not properly investigated due to a lack of legislation that considers SOGI and/or HIV status as protected grounds in relation to discrimination, or due to situations where legislation exists on paper, but is not implemented in reality. In this regard, it is necessary to systematically monitor changes in policies, laws and procedures related to human rights in the countries of the region, document the actions of authorities in relation to violations of the rights of the LGBT community, and develop algorithms for responding to cases of discrimination based on SOGI and/or HIV status and subsequently put them into use. In addition, international and national organizations representing the interests of LGBT people need to continue their advocacy to repeal repressive legislation in countries where it exists, namely: the criminalization of HIV transmission and voluntary same-sex relationships, criminal and/or administrative liability for involvement in sex work, and laws on foreign agents and «gay propaganda». In addition, it is necessary to repeal legislation that tightens control over the activities of activists, establish opportunities for advocacy work with key populations, and for the provision of services to such groups, and to investigate cases involving the persecution of activists/NGOs.
- 10 Since the range of violators of the rights of LGBT people is quite wide, and the violations presented in the report reflect a negative attitude towards members of the community in various areas, campaigns aimed at increasing the level of tolerance in society should be continued, and incitement of homo- and transphobia should be avoided. At the same time, it is necessary to introduce and support the identification and investigation of cases of rights violations by authorities, public figures and politicians, journalists, and other media figures who disseminate hate speech and express discriminatory attitudes towards LGBT people.

