



NATIONAL REPORT

on Violations of the Rights
of LGBT People in Tajikistan

2024



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ACRONYMS AND ABBREVIATIONS

CC RT Criminal Code of the Republic of Tajikistan

Global Fund Global Fund to Fight AIDS, Tuberculosis and Malaria

HC Hate crimes

HIV Human Immunodeficiency Virus

IOM International Organization for Migration

LGBT Lesbian, gay, bisexual and trans people

MFA Ministry of Foreign Affairs of the Republic of Tajikistan

MSM Men who have sex with men

NGO Non-governmental organization

PLH People living with HIV

Queer Umbrella term for an LGBT person

RT Republic of Tajikistan

SOGI Sexual orientation and gender identity

WHO World Health Organization



METHODOLOGY FOR COLLECTING CASES OF HUMAN RIGHTS VIOLATIONS

The basis for this national report included monitoring cases of human rights violations, collected using tools provided by ECOM, as well as a brief analysis of the legal environment. The following research methods were used as part of monitoring: an analysis of documented cases and an analysis of thematic materials from open sources.

The purpose of collecting information is to identify cases of human rights violations faced by LGBT people. As a result of the analysis, the main causes of violations and discrimination were identified, and quantitative data was obtained. Conclusions and recommendations were developed based on this data.



INTRODUCTION

Tajik authorities continued to persecute human rights defenders, independent journalists, bloggers, and other dissidents, and arbitrarily detained and imprisoned them after unfair trials. Torture and other ill-treatment remained widespread¹.

Law enforcement agencies continue to infringe on human rights, in particular the rights of LGBT people, by committing physical and psychological violence and persecuting LGBT people under false pretexts, such as violating “public order.” Officers extort money from members of the community by threatening to disclose their SOGI to employers or families².

NGOs continue to operate under severe restrictions. According to Amnesty International, in 2023-2024, hundreds of organizations across Tajikistan were forced to quietly “voluntarily” suspend their activities or disband under pressure from law enforcement agencies and special services.

To date, there is not a single registered LGBT organization in the country. This situation is manifested by the significant restrictions on access to the right to freedom of association and peaceful assembly.



LEGISLATION

In Tajikistan, the LGBT community is not criminalized. However, the country has developed a practice of using alternative criminal provisions to persecute the community. In 2024, Article 241 CC RT³ “Illegal production and circulation of pornographic materials or objects” was the provision most frequently used against LGBT people.

Law enforcement agencies specifically target LGBT people, confiscate their mobile phones and computers for inspection without court orders, and threaten prosecution under Article 241 in cases where they find personal photos or videos. The main motive is extortion of money.

¹ Human Rights in Tajikistan. – Amnesty International. Tajikistan, 2023-2024. — URL: <https://eurasia.amnesty.org/tajikistan/doklad-tadzhikistan/>

² Report on Human Rights in Tajikistan. — Report of the US Government, 2023. — URL: <https://tj.usembassy.gov/ru/our-relationship-ru/official-reports-ru/>

³ Criminal Code of the Republic of Tajikistan of 21 May 1998, No. 574 (with amendments and additions as of 20.06.2024). — URL: https://continent-online.com/Document/?doc_id=30397325#pos=6;-124



ANTI-DISCRIMINATION LEGISLATION

The country adopted an anti-discrimination law in 2022. It is the first such law in Central Asia. While it does not include sexual orientation and gender identity, the list of grounds protected from discrimination is open-ended. This means that LGBT people can file a complaint citing “other circumstances.”

However, there is no publicly available data on such claims by LGBT people. The atmosphere of persecution prevents LGBT people from feeling sufficiently protected to openly disclose their SOGI when filing discrimination claims.

There is no concept of hate crimes and hate speech in the RT. This has led to the absence of state statistics on and monitoring of hate crimes, as well as to impunity for perpetrators. LGBT people are the most vulnerable group to hate crimes. In 2023, 7 out of 11 hate crimes cases were committed against LGBT people⁴.



CRIMINALIZATION OF HIV TRANSMISSION

The Health Code of the RT prohibits discrimination against people living with HIV. However, the country has rules that promote discrimination, such as mandatory HIV testing when filing a claim with the Civil Registry Office, a list of professions prohibited for people living with HIV, and HIV testing when applying to universities.

Article 125 CC RT establishes criminal liability for “deliberately placing another person at risk of infection” and punishment in the form of restriction of freedom for up to three years or imprisonment for up to two years. Such provisions result in PLH being punished even in cases where HIV transmission occurred unintentionally or where there was no infection at all. Article 125 is actively used by law enforcement officers for extortion, blackmail, and the persecution of LGBT people.



I met a guy online. He came by car to pick me up and took me to the [police] station. He interrogated me and asked who else I know from the community. They threatened to disclose information about my orientation to my family. They took me to the AIDS Center. I have been taking ARV therapy for several years, and using this information, they threatened to put me in jail under Article 125 and forced me to pay \$3,000.

ECOM monitoring, 2024.

Among positive changes, it is worth noting the adoption of a document by the Plenum of the Supreme Court of the RT in 2023, which should serve as a guide for judges when considering cases brought under Article 125. The document states the need to establish whether the accused was receiving regular antiretroviral treatment, whether the viral load was below the risk threshold, and whether protective equipment was used⁵.

⁴ Hate Crime Report. — OSCE, 2023. — URL: <https://hatecrime.osce.org/incidents?country=TJ&year=2023>

⁵ Rights for All? — IPHR, February 2024. — URL:

<https://iphronline.org/wp-content/uploads/2024/02/tajikistan-lgbt-report-2024-ru.pdf>



LEGAL GENDER RECOGNITION

Article 74 of the Law “on State Registration of Civil Status Acts” is the only norm regulating the possibility of changing one’s gender marker. The law provides for the possibility of changing the civil status record if “a document of the established form on the change of gender, issued by a medical organization, is provided.” Since there is no clear mechanism for changing one’s gender marker in the RT, the responsible authorities may require sex reassignment surgeries⁶.

There are only a few cases where trans people have managed to change their identification documents. The discrepancy between the data in their passport and their appearance leads to stigma, discrimination, and limited access to employment, education and other rights. Therefore, many trans people are involved in the informal sector of the economy, including sex work. Meanwhile, the persecution of sex work leads to additional violence and intersectional discrimination against LGBT sex workers.



ACCESS TO HUMAN RIGHTS

ECOM documented 27 cases of human rights violations against LGBT people in Tajikistan in 2024. The most common perpetrators were law enforcement officers, and the most common violations were extortion and threats. At the same time, the most vulnerable right is the right to freedom and bodily integrity.

Compared to previous years, there has been an increase in cases of human rights violations against lesbian, bisexual and queer women: in 6 cases, the victims were exclusively LBQ women, while in two of these cases, there were multiple victims.

In two cases documented by ECOM, the victims faced intersectional discrimination on the basis of SOGI and religion. Initially, they were stopped by law enforcement for having beards. Raids and detentions of Muslims increased in 2024 after the adoption of the Law “on the Regulation of Celebrations and Rituals”, which banned the “import, sale, and wearing in public places of clothing foreign to national culture.”⁷ In both cases, law enforcement agencies, without a court order, reviewed the personal correspondence and contents of the victims’ phones and thereby discovered their SOGI.



*You’re a Muslim right? People won’t like that you’re a f**got. And probably a pedophile too!*

Quote from an investigator. ECOM monitoring, 2024.

⁶ Id., p. 16.

⁷ Президент Таджикистана подписал закон о запрете «чуждой одежды». — LRT media, 2024. — URL: <https://www.lrt.lt/ru/novosti/17/2302775/prezident-tadzhikistana-podpisal-zakon-o-zaprete-chuzhdoi-odezhdi>



RIGHT TO HEALTH

The lack of medical protocols for gender-affirmative procedures forces trans people to take hormone therapy on their own without prescriptions from appropriate medical specialists in the country and/or to travel abroad for surgical interventions. This limits access to healthcare for trans people.

Discrimination and persecution of PLH remains a significant problem. ECOM documented three cases in which victims were persecuted on the basis of their HIV status. In two of the cases, gay, bisexual men, and other MSM were threatened with prosecution under Article 125 simply because they had HIV, while in another, victims were illegally tested for HIV by the staff of the AIDS Center.



A ‘morality’ raid took place in a club. Approximately a hundred people at the club were taken to a special reception center, where they spent the night. There were no explanations, only insults and swearing. Those detained who resisted were taken to offices, [from where] beatings were heard. In the morning, employees of the AIDS Center arrived, who forcibly tested the detainees for HIV, hepatitis, and STIs⁸.

ECOM monitoring, 2024.



RIGHT TO WORK

Access to employment among trans people is mostly limited within the LGBT community. This is due to the visibility of the group and their low access to legal gender recognition. Trans people are forced to work in the informal sector, where they have limited access to protection of their labor rights.

ECOM documented several cases of violations of the labor rights of LGBT people. Queer people have faced harassment from management, threats of outing in the workplace, and illegal dismissals due to SOGI.



Two law enforcement officers went to the store where the victim worked. They demanded that he go with them to the police station and said that they knew that he was gay. They reported the victim’s SOGI to the store manager, and a couple of days later he was fired.

ECOM monitoring, 2024.

⁸ DushanbePolice (Instagram of the Dushanbe police where they post raids), 2024. — URL: https://www.instagram.com/reel/DAA3cOAuLZm/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFlZA%3D%3D

Tajikistan is the country with the highest level of labor migration in the world⁹. Citizens of the RT, including LGBT people, generally immigrate to Russia. However, due to the strengthening of chauvinism and nationalism in Russia against the backdrop of the military invasion of Ukraine and the terrorist attack in the Crocus City concert hall, numerous anti-migrant laws were adopted in Russia. This has resulted in the MFA of Tajikistan recommending its citizens not to travel to Russia¹⁰, and many labor migrants are returning home. In two cases documented by ECOM, returning migrant workers faced human rights violations. In both cases, the victims had previously been persecuted, which was one of the reasons that they immigrated.

Several years ago, a man was the victim of a “fake date”, due to which he left the country. Upon returning home, he met the perpetrator by chance. Immediately after, two law enforcement officers came to his work and asked him to go with them to the police station. The victim was forced to quit his job.

ECOM monitoring, 2024.



POLITICAL RIGHTS AND FREEDOMS

LGBT people have extremely limited access to political participation. ECOM is not aware of any cases of peaceful assemblies being held with a queer agenda. According to Human Rights Watch, in 2022, more than 500 NGOs were liquidated or declared self-liquidation, a situation that continued in 2023 and 2024¹¹. There are no registered LGBT organizations in the country.



RIGHT TO HOUSING

LGBT people have limited access to housing. Members of the community face illegal evictions if their SOGI is discovered. Due to the discrepancy between their appearance and the gender marker in their identification documents, trans people face additional barriers when searching for housing.

Law enforcement agencies illegally evict LGBT people or force them to move due to constant harassment and blackmail. Some LGBT people have been forced to leave the country due to increased raids against the community. According to ECOM monitoring data, relatives play a significant role in the violation of LGBT rights. Often, they either forcibly detain queer people or evict them. At the same time, shelters for victims of domestic violence are not available to part of the community due to homo- and transphobia.

⁹ World Migration Report, 2024. — IOM,. — URL:

<https://worldmigrationreport.iom.int/msite/wmr-2024-interactive/>

¹⁰ МИД Таджикистана советует не ездить в Россию. — «Настоящее время», медиа, 24 апреля 2024. — URL:

<https://www.currenttime.tv/a/32925128.html>

¹¹ Tajikistan. Events of 2023. — HRW. — URL:

<https://www.hrw.org/ru/world-report/2024/country-chapters/tajikistan>

“
For three years, the victim was subjected to physical, emotional and psychological abuse due to her sexual orientation by her father and brother.

ECOM monitoring, 2024.

“
Two [law enforcement] officers came to my house and told my father that I was gay and that I had to leave Tajikistan. They explained that I had already been registered as gay person and that I would not be able to live here. They took money, and I left the country.

ECOM monitoring, 2024.



RIGHT TO PRIVACY

In 2024, the right to privacy was violated more often than any others. In most cases, the violators were law enforcement officers. In February 2024, the Minister of Internal Affairs of Tajikistan denied the existence of an “LGBT list”¹², but there are serious grounds to believe that law enforcement agencies are collecting data on LGBT people.

Back in 2016, information emerged that law enforcement agencies were collecting data on representatives of the LGBT community, and a joint list compiled with the Prosecutor General’s Office of the RT included more than 300 “representatives of sexual minorities”¹³. ECOM monitoring for 2024 confirms that law enforcement officers, when approaching LGBT people, force them to hand over information about other LGBT people. In addition, in several cases, officers approached representatives of the LGBT community and told them that they knew about their SOGI and that they needed to come to the police station.

Officers often extort money by threatening to out victims to their relatives, friends, and employers. In at least six registered cases, law enforcement officers directly threatened victims with prosecution under Article 241 CC RT for the production and distribution of pornography. In all cases, the victims did not produce or distribute pornographic materials in the usual sense of the term. Either their phones contained intimate personal photos, or during “fake dates”, the officers asked them to send intimate personal photos in chats. During illegal searches of phones and laptops, law enforcement officers found such materials and extorted money from victims by threatening to imprison them under this article.

¹² Вопрос журналиста о списке ЛГБТ привел министра внутренних дел в негодование. — «Радио Озоди», медиа, 2024. — URL: <https://rus.ozodi.org/a/32820952.html>

¹³ В Таджикистане геев и лесбиянок поставили на оперативный учет. — «Радио Озоди», медиа, 2017. — URL: <https://rus.azathabar.com/a/28800245.html>



The victim was approached by two criminal investigation officers. He was told that he was suspected of distributing pornography via the Internet. He was shown his correspondence with men, where he sent intimate photos. This correspondence was obtained illegally through blackmail, threats, and the confiscation of personal phones.

ECOM monitoring, 2024.



*The victim met a man online. The man insisted that he send intimate photos of himself, and then suggested they meet. The victim got into a car, and the man then introduced himself as a criminal investigation officer, showed him their correspondence, and said: “You are distributing porn, you can be jailed for this. We are looking for people like you who are engaged in f**g got things on the Internet. We will jail you under Article 241.” The victim was forced to pay off the officer.*

ECOM monitoring, 2024.



RIGHT TO LEGAL PROTECTION

LGBT people do not trust law enforcement agencies and do not seek assistance from them in cases of human rights violations. Given that law enforcement officers were the perpetrators in 23 out of the 27 cases documented by ECOM, such mistrust is well-founded.

In most cases, LGBT people prefer to leave the city or country to avoid further persecution. Systemic homo- and transphobia in Tajikistan have resulted in LGBT people having very limited access to legal protection, and impunity for perpetrators.



CONCLUSIONS AND RECOMMENDATIONS

Tajikistan remains an unsafe country for LGBT people. Despite the lack of criminalization of homosexuality and transgenderism, there are serious grounds to believe that the authorities are using other articles of the CC RT to persecute the LGBT community. For instance, according to “Radio Ozodi”, LGBT people are among the 27 people convicted for promoting pornography. Prior to this, law enforcement officials prosecuted members of the community under a criminal provision related to the transmission of HIV¹⁴.

The LGBT community has fewer opportunities to relocate to a safe space due to increased migrantophobia in Russia and the introduction by Turkey of new visa requirements for citizens of the RT.



RECOMMENDATIONS FOR TAJIKISTAN

- ✓ Introduce a clear mechanism for implementation of Article 241 CC RT, which eliminates punishment for sending photos and videos in personal chats;
- ✓ Amend Article 125 CC RT to eliminate punishment for unintentional transmission of HIV and the concept of “deliberately placing another person at risk of infection”;
- ✓ Review convictions under Article 125 CC RT and free all those who were convicted without evidence of intentional transmission of HIV to another person;
- ✓ Review convictions under Article 241 CC RT and free all those who were convicted without evidence of dissemination of pornography to a wide audience;
- ✓ Ensure that voluntary and confidential HIV testing is widely available and that no one is forced to undergo HIV testing, in accordance with the International Guidelines on HIV/AIDS and Human Rights;
- ✓ Establish an effective, accessible and strictly confidential system for receiving and reviewing complaints of discrimination, arbitrary detention, extortion and torture or other forms of ill-treatment, taking into account the particular vulnerability of LGBT people;
- ✓ Conduct fair investigations into the practice of law enforcement agencies of confiscating personal phones and conducting illegal searches.

¹⁴ Радио Озоди медиа. В Таджикистане 27 осужденных за пропаганду порнографии просят пересмотреть их дело. 2023. — URL: <https://rus.ozodi.org/a/32720816.html>



RECOMMENDATIONS FOR INTERNATIONAL ORGANIZATIONS

- ✓ Monitor violations of the human rights of LGBT people;
- ✓ Promote the issuing of humanitarian visas for LGBT people from Tajikistan.



RECOMMENDATIONS FOR CIVIL SOCIETY

- ✓ Develop a safe space for interaction and dialogue;
- ✓ Provide legal assistance and protection to victims in connection with their legal cases;
- ✓ Document cases of human rights violations against LGBT people.

