

2014-06-02

Fråga-svar

Situationen för HBTQ-personer i Tadzjikistan

Fråga

Kan man leva som öppet homosexuell i Tadzjikistan?

Svar

Lagstiftning

Det är lagligt att ha en normbrytande sexuell läggning i Tadzjikistan.

US Department of State (2014):

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity Gay and lesbian sexual conduct is legal in the country, and the age of consent is the same as for heterosexual relationships; however, the law does not provide any legal protection against discrimination. Homophobic attitudes and little societal tolerance toward lesbian, gay, bisexual, and transgender (LGBT) persons made it rare for individuals to disclose their sexual orientation. Throughout the country there were reports that LGBT individuals faced physical and psychological abuse, including from the police.

There is no law against discrimination based on sexual orientation or gender identity, and LGBT persons were victims of police harassment and faced threats of public beatings. Public activism on their behalf was limited. LGBT representatives claimed law enforcement officials extorted money from LGBT persons by threatening to tell their employers or families of their activities. Hate crimes against members of the LGBT community reportedly went unaddressed. (sid. 26)

Utrikesdepartementet (UD) 2012):

Fram till 1998 var homosexuella handlingar mellan män förbjudna i lag, men då avskaffades detta förbud. Kvinnlig homosexualitet har aldrig reglerats i lag-stiftningen. Inga samkönade förhållanden kan registreras eller på annat sätt sanktioneras av myndigheterna. (sid. 9)

Constitution (Basic Law) of the Republic of Tajikistan (2003):

Article 17. All people shall be equal before the law and the court of law. The state shall guarantee the rights and liberties for every person irrespective of his nationality, race, sex, language, religious beliefs, political persuasion, knowledge, social and property status. Men and women shall have equal rights

Criminal Code of the Republic of Tajikistan (1999):

Article 143. Violation of Equality of Citizens

(1) Direct or indirect violation or restriction of rights and freedoms of an individual and citizen depending on sex, race, nationality, language, social origin, personal, financial or official position, place of residence, attitude to religion, convictions, belonging to public units, causing damage to the rights and lawful interests of a citizen, is punishable by a fine in the amount of 200 to 500 times the minimum monthly wage, or deprivation of freedom for up to 2 years.

(2) The same actions, committed by a person:

a) using violence or threat of violence;

b) using his official position, are punishable by imprisonment for a period of 2 to 5 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

Myndighetsförföljelse

Enligt nedanstående källa gör korruption, byråkrati och okunnighet om lagstiftning att det är svårt för transpersoner att byta identitet.

Institute for War and Peace Reporting (2014):

According to Ravshan Abdullaev, head of the Eurasia Foundation in Tajikistan, transgender people "face a lot of problems like stigma and discrimination, and in addition, there is no mechanism for replacing identification documents".

Under existing Tajik law, transgender people can change their passports if they provide a medical document stating that they have

undergone gender reassignment surgery. This automatically excludes those who have not had surgery, and in practice, the lack of an established procedure for changing one's gender in a passport, coupled with corruption, bureaucracy and downright ignorance of the law, means that the process is not an easy one.

Imamer instruerades av "State Committee for Religious Affairs" (SCRA) att predika mot homosexuella och icke traditionella sexuella relationer enligt följande källor.

Forum 18 (2014):

Another recent example of increasing controls on Muslims exercising freedom of religion or belief is that imams across Tajikistan were instructed by the SCRA to preach against homosexuals and "nontraditional sexual relations". Grand Mufti Saidmukarram Abdukodirzoda, head of the state backed-Council of Ulems, on 7 February at the Friday prayer in the Dushanbe Central Mosque delivered this message, and on the same day mosque attendees across the country heard it, Radio Free Europe reported on 7 February

Radio Free Europe/Radio Liberty (2014):

Mullahs in Tajikistan's other mosques delivered similar messages on February 7 as the Tajik government's Committee for Religious Issues asked all clerics to discuss the issue of "nontraditional sexual relations" in their sermons.

Följande källor rapporterar om ett utbrett socialt stigma mot samkönade relationer och hur hbtq-personer diskrimineras av polisen.

Radio Free Europe/Radio Liberty (2014):

A Tajik man who recently described his closeted life as a homosexual in articles and a video published by RFE/RL says he has been stabbed in retribution for his interview.

Human Rights Watch (2014):

Sexual Orientation and Gender Identity
Although Tajikistan decriminalized same-sex sexual activity in 1998, lesbian, gay, bisexual, and transgender (LGBT) people are subject to wide-ranging discrimination and homophobia. In 2013, Tajik NGOs documented several cases of police violence against LGBT people. LGBT people are especially vulnerable to extortion,

fearing that their sexual orientation could be revealed to their family or employers.

Heartland Alliance for Human Needs & Human Rights and Equal Opportunities (2013):

Although Tajikistan has acceded to the ICCPR's guarantee of human rights for all people without discrimination, and has made these same guarantees in its Constitution, LGBT people in the country do not enjoy many of the freedoms and securities to which they are legally entitled.⁷ Because of a strong cultural animus toward LGBT people, they are compelled to live secretive double lives, or risk violent retribution. Gay men and women have been victims of public harassment, beatings, and rape due to their sexual orientation, and have virtually no legal recourse for the dehumanizing acts perpetrated against them, since some public officials also hold homophobic attitudes. (sid. 3)

Tajikistan decriminalized same-sex conduct at the same time as Kyrgyzstan and Kazakhstan, but sexual minorities in these Central Asian states reportedly still face discrimination, with intolerance of LGBT individuals being particularly virulent in Tajikistan... (sid. 5)

Lesbian women, as well as gay men, will therefore lead secret double lives.²⁵ The police will take advantage of this social vulnerability by demanding bribes from LGBT people and threatening to reveal their sexual orientation if they do not pay.²⁶ This situation can also leave LGBT people without legal recourse for crimes that are committed against them... (sid. 6)

Police in Tajikistan often will still treat homosexuality as a crime, arresting and detaining "suspects" for days... (sid. 8)

In June 2012, the European Commission of the European Union held a seminar in Dushanbe on the use of torture.⁵¹ The report from that seminar details widespread use of torture, with "members of the lesbian, gay, bisexual, and transgender (LGBT) community... in the most latent risk group... (sid. 9)

There is open hostility to LGBT individuals in Tajikistan, and they are often victims of public harassment and beatings.... (sid. 11)

Homosexuality is thought by many people in Tajikistan to be a disease... (sid. 12)

As described above, LGBT people will often be forced into marriages with members of the opposite sex, and may suffer from domestic violence inflicted by their spouses spouses...

Police will also come to LGBT people's homes to harass them.
(sid. 14)

Straff

Amnesty International (2012):

Several NGOs also told Amnesty International that gay men and those perceived to be gay were at particular risk of being targeted by police. Reportedly, they are often held by police for a few hours, in some cases beaten, and then released for a bribe. "I know a homosexual man who is picked up by police every time a crime happens in his area", said one representative of an intergovernmental organization working in Tajikistan. (sid. 15)

Utrikesdepartementet (UD) 2012):

Straffrihet, det vill säga underlåtenhet från statens sida att beivra och lagföra brott, särskilt brott begångna av statens representanter, är ett stort problem i Tadzjikistan. Korruption inom stats- och rättsapparaten bidrar också till problemet.(sid. 4)

Traditionella synsätt gör att homosexuella, bisexuella och transpersoner inte är socialt accepterade. Personer som väljer att öppet visa sin homosexualitet kan riskera att utsättas för trakasserier av omgivningen.(sid. 9)

NGOs

EurasiaNet (2012):

Homophobia is widespread thanks to "traditional attitudes and the strong influence of Islam," says Kiromiddin Gulov, director of Equal Opportunities, a local NGO established in 2009 to help Tajikistan's LGBT community with legal, medical and moral support. "The population at large does not tolerate or accept LGBT people in general. There are some people who are friends or communicate with the LGBT community, but they are very few."

Institute for War & Peace Reporting (2012):

Kiromidin Gulov runs one of Tajikistan's only gay rights groups, Equal Opportunities, and said people sometimes attack gays, while even NGOs concerned with human rights show little interest in the issues they face.

His organisation recently held a public event to which it invited a host of NGOs and rights groups, but only two people turned up. The problem, Tajik activists say, is that the public do not equate gay rights with human rights. Without wider support from NGOs, the

media and government, they believe gay rights campaigns are unlikely to work.

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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