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Cover Photo: People in Front of the Buddhas of Bamiyan, Afghanistan. Ali Azad

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Central Asia

Issue 9

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Foreword

In Central Asia, governments issue laws as a main action to improve their human rights profile. However, passing legislation alone is not a solution. These laws are often not supported by adequate public awareness campaigns or sufficient financial resources for implementation, which undermines their overall effectiveness.

Kazakhstan's notable efforts in combating human trafficking have included passing new anti-trafficking laws and ratifying several international agreements. However, the lack of coordination between implementing agencies has significantly limited the impact of these government initiatives.

Despite commitments by Kazakhstan, Uzbekistan, and Kyrgyzstan to uphold human rights standards on non-discrimination, freedom of expression, opinion, information, association, and assembly, their legal frameworks still fall short in effectively protecting against discrimination based on sexual orientation and gender identity.

Efforts to eliminate forced labour, particularly in Turkmenistan's cotton industry, are hampered by the absence of fundamental labour rights, freedom of expression, and independent monitoring to safeguard both adult and child workers.

While Uzbekistan has made significant progress in recognising and legislating the right to adequate housing, major challenges remain in translating these legal reforms into tangible improvements. A gap persists between constitutional guarantees and their practical implementation.

Additionally, Uzbekistan's failure to ratify the 1951 Refugee Convention and Tajikistan's discriminatory laws against refugees continue to violate the rights of Afghan refugees, who seek refuge in these main destination countries.

The articles in this edition highlight the human rights challenges faced by Central Asian countries and examine the actions being taken to promote peace, security, and social justice in the region.



The New Anti-Human Trafficking Law in Kazakhstan

Lova Jansson

Key Takeaways

- In the context of regional and internal economic disparities and insecurity, Kazakhstan emerges as a key source, destination, and transit country for human trafficking.
- At the start of September, its new Law on Action Against Human Trafficking came into force, adding to a range of measures taken in recent years.
- Still, only very few trafficking cases are identified and legally pursued, and victim assistance remains underfunded. To effectively tackle this deeply disturbing form of exploitation, better resourcing of support organisations, collaboration with a wider range of actors, and demonstrable action on corruption in Kazakhstan are needed.
- Fundamentally, the root causes of deprivation, precarity and inequality must also be recognised and addressed. Migration should not be conflated as a root cause, and support for foreign national trafficking victims should be strengthened.

Human Trafficking in Kazakhstan

Last year, Kazakh police initiated 26 investigations of trafficking in persons (TIP), prosecuted 18 cases and convicted six traffickers.[1] These numbers do not reflect the actual magnitude of the TIP issue in the country, with wide recognition that many cases go

unnoticed or un-investigated.[2] The numbers also do not expose the full human suffering that TIP brings, better reflected through the stories of trafficking victims, such as that of 26-year-old Kazakh Assel Aitpayeva who committed suicide after travelling to Georgia on the promise of employment but, instead, was sexually exploited.[3]

The UN Office on Drugs and Crime (UNODC), in line with the Palermo Protocol [4] defines human trafficking, or TIP, as the ‘recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit’[5]. Trafficking takes many forms; forced labour and sex trafficking are commonly recognised as the most prominent [6]. In Kazakhstan, nationals from Uzbekistan, Tajikistan and Kyrgyzstan are increasingly victims of forced labour, often in domestic settings, at bazaars and in the construction and agriculture industries, partly due to their reliance on “low-skilled” migrant labour and their informal nature [7]. Women and girls are disproportionately affected by human trafficking globally and represented 64% of victims in Central Asia in 2020[8], being often tricked with promises of employment in hospitality, childcare and modelling, but forced into labour, sexual activities, begging or criminality [9]. Traffickers use a range of deceitful recruitment methods, working online, advertising in public media and directly approaching victims at transport hubs [10]. Their means of coercion include confiscation of victims’ travel documents, physical and mental abuse, and debt manipulation [11].

“Criminals exploit the human desire to improve one’s lot in life and generate vast profits from the exploitation of victims in myriad ways”, laments Gulnaz Kelekeyeva, Project Leader of Winrock International’s Kazakhstan Actions against Trafficking in Children (KATCH) Project, who shared her insights in support of this article.

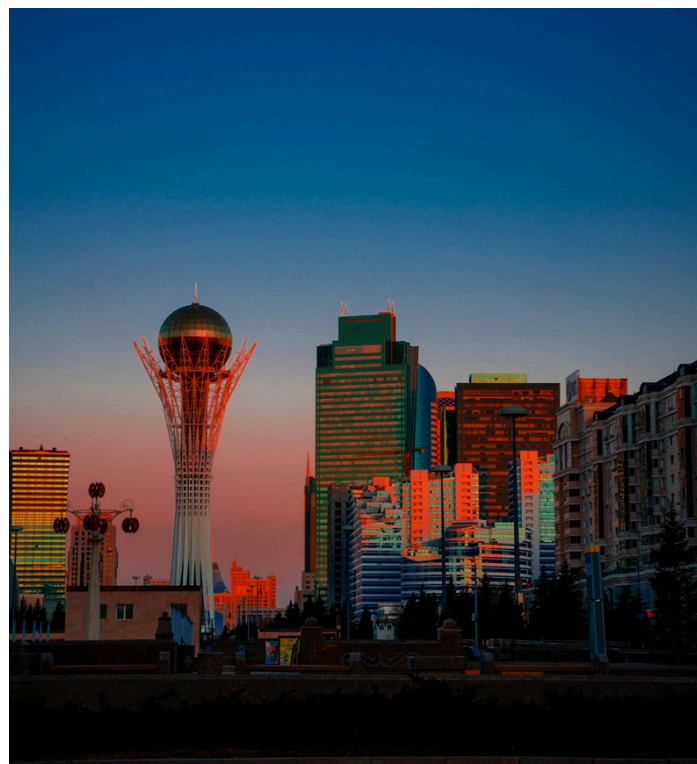


Gulnaz Kelekeyeva, Project Leader of Winrock International’s Kazakhstan Actions against Trafficking in Children (KATCH) Project, at the January 2024 international roundtable on ‘Improving Mechanisms for the Prevention of Trafficking in Persons in Central Asian Countries’. Source: Gulnaz Kelekeyeva

Several factors compound to make the risk of human trafficking especially pronounced in Kazakhstan. The country’s relative economic prosperity, in contrast with the slower growth and development of its Central Asian neighbour countries, makes it an attractive destination for economic migrants [12]. The analogous disparity in livelihood prospects between Astana, the financial centre of Almaty, and the oil cities of Aktau and Atyrau, on the one hand, and rural

Kazakhstan on the other, increasingly brings internal migrants to its hubs of economic development. Many newcomers lack financial resources, formal status, and social safety nets, making them vulnerable to trafficking, which need not involve international border crossings [13]. Besides these structural factors, recent events like the COVID-19 pandemic and the recession it triggered, as well as Russia’s invasion of Ukraine and the Taliban’s takeover of Afghanistan, have exacerbated the risk of human trafficking by placing more people in situations of unemployment, poverty and displacement [14]. Gulnaz Kelekeyeva has observed the increasing complexity and severity of the issue of human trafficking in recent years:

“Climate change, lack of decent employment and poor educational options have all driven migration over the past decades. For some who can’t access legal ways to work and reside in the destination country, or when moving from rural to urban areas, from poorer suburbs to economically more attractive parts, however, their experience may become one of trafficking.”



Astana’s financial centre. Astana’s wealth and the opportunities offered by the city attract many internal and international migrants, some of whom fall victim to trafficking. Source: Pexels

Kazakhstan's New Anti-trafficking Law and Other Government Action

In this context, it is positive to see the government of Kazakhstan stepping up action to counter human trafficking in the country.

The adoption of a 2024-2026 National Action Plan at the end of last year [15], and the signing of the new Law on Action Against Human Trafficking at the beginning of July mark the culmination of a range of efforts in recent years [16]. In 2021, Kazakhstan together with Kyrgyzstan and Uzbekistan moved from the rank of 'Tier 2 Watch List' to 'Tier 2' in the widely referenced US Department of State TIP Report, in recognition of the government's commitment. Among its recent actions are dedicating government funding to victim shelters and support services, increasing the number of specialised anti-trafficking police officers,[17] enhancing training for law enforcement officials, and launching public awareness campaigns [18]. Kazakhstan has ratified several key international counter-trafficking agreements, including the central Palermo Protocol [19], and is collaborating with other countries to coordinate and strengthen TIP prevention and response. In 2022, the governments of Kazakhstan, Kyrgyzstan, and Uzbekistan formed a working group to develop a transnational victim referral mechanism [20]. Kazakhstan is also a founding member of the Almaty Process [21] and the Budapest Process [22], both of which aim to advance dialogue, policy, and mechanisms on a range of migration-related themes, including human trafficking.

The new Law on Action Against Human Trafficking – which came into force at the start of September 2024 – consolidates and elevates matters relating to counter-trafficking, and it legally defines key terms, which has been advocated for by civil society [23] and academic circles [34]. For Gulnaz Kelekeyeva, one of the major contributions of the new law and the 2024-2026 National Action Plan is their

encouragement of the involvement, in anti-trafficking efforts, of a wider range of actors in Kazakh society. For example, health authorities will henceforth be required to provide special medical care for victims of trafficking, and the Ministry of Education will be responsible for raising awareness among school children and college and university students, as well as for providing special social services for child TIP victims.

“Before the law was adopted, education and health facilities were unaware about the role they play in preventing and combatting trafficking and considered that identification is the prerogative of the law enforcement agencies. These stakeholders stand at the forefront of identifying trafficked or at-risk children and are critical in the referral process”, Kelekeyeva says.



Part of the Kazakh delegation at the 24th Alliance Against Trafficking in Persons Conference in April 2024, where Kazakhstan shared information about the then draft law 'On Combating Human Trafficking'. Source: DK News Kazakhstan.

Counter-Trafficking Shortfalls

However, despite the forward steps taken by the government of Kazakhstan, there are still gaps in its efforts to prevent, detect, and legally pursue human trafficking, and to protect victims; the small number of trafficking convictions made last year a key indicator of its shortfalls. Importantly, the government is collaborating with and supporting NGOs

involved in victim protection, but the funding allocated is often insufficient [25], leaving hotline operators under-trained and forcing some shelters to close, according to Gulnaz Kelekeyeva.

“The Government of Kazakhstan should ensure their continuous operation and availability to victims and increase the range and quality of services these organizations are able to provide”, she says.

Civil society organisations have also reported a lack of access to data and information as a key barrier to advocacy and the provision of effective services [26]. And while civil society may be engaged in the fight against human trafficking, there is room to further involve the private sector, especially financial institutions which can play a key role in supporting investigations [27]. Mobile teams composed of law enforcement officers, labour inspectors and NGO representatives have now been resourced to inspect workplaces and venues in different sectors. Kelekeyeva celebrates this but also highlights the initiative’s relative neglect of child victims as it focuses on establishments such as hotels, construction sites, farms, and bazaars, and lacks engagement with child related authorities. Many advocates also emphasise the need for enhanced training of law enforcement officers, including the challenging tasks of identifying cases of psychological coercion [28] and trafficking income schemes [29]. Critically, to justify claims of concerted efforts to stop human trafficking, Kazakh authorities need to target internal corruption [30]. NGOs and observers have reported police officers accepting bribes from traffickers in exchange for protection from prosecution, and even direct facilitation of forced labour and sex trafficking [31].

Beyond these calls for tactical action, there is a less recognised need to address the more fundamental root causes of human trafficking in Kazakhstan. There is a notable disconnect between analyses of why trafficking occurs –

stressing the influence of poverty, unemployment, inequality, and informality – and the oft-invoked responses – strengthened legislation, law enforcement and data collection [32]. While harder to resolve, structural issues of disparity between countries and regions, and between women and men, must be recognised for their fundamental role in human trafficking, and policy must address vulnerabilities and their economic, social and political underpinnings [33]. Among those most vulnerable to human trafficking are international migrants, exposed in the context of their pursuit of opportunities and their frequent precarity and lack of legal and social protection [34]. Trafficking and migration are often conflated [35], with the result that broad-brush discouragement of migration and border control appear as legitimate responses [36]. Such measures fail to address the real root causes of trafficking [37] and may in fact aggravate risks for vulnerable populations, as restricting legal mobility pathways tends to drive movements underground and benefit illicit operators [38]. Kazakhstan is a major destination of regional migrants, and it is imperative that the country’s reinvigorated anti-trafficking efforts serve to safeguard rather than restrict migrants’ rights, freedoms, and wellbeing.

Some positive measures have been taken by the Kazakh authorities to better protect international migrants from human trafficking. Since 2022, foreign nationals are legally entitled to the same benefits as Kazakh victims, including access to shelter, and legal and psychological services, as well as temporary residency and permission to work [39]. The entitlement of children of migrants to attend school in Kazakhstan is another important policy reducing the risk of child trafficking [40]. Nonetheless, foreign nationals remain disadvantaged in several elements of counter-trafficking; they are less likely to be identified as victims, their cases are investigated with less effort, they are sometimes dismissed as violators of migration laws, and their services

are insufficiently funded and implemented with delays [41]. Gulnaz Kelekeyeva highlights some additional challenges:

“Law enforcement lack awareness of the new legal provisions allowing foreign victims to temporarily stay in Kazakhstan, and there are also difficulties in providing interpreters for foreigners.”

Conclusion

The Kazakh government’s bolstered action on human trafficking is commendable. Nevertheless, it is clear that this deeply disturbing phenomenon has no straightforward solution. To strengthen trafficking prevention and response, there is a need to recognise the issue’s complexity and to, correspondingly, involve additional sectors and actors, and to complement tactical interventions with attention to structural issues, not least the relative disadvantage of lower-income groups, women, and foreign nationals.

Recommendations

- Increase funding for NGOs providing critical assistance to victims of human trafficking to reflect demand, including to meet the needs of foreign national victims.
- Continue to involve more sectors and industries in concerted trafficking prevention and response action, including financial institutions and the private sector more broadly – to promote supply chain transparency, ethical recruitment and worker treatment, and victim support.
- Promote the detection of child trafficking by the new Mobile Teams by involving child related authorities and by targeting places where child trafficking is likely to manifest.

- Continue to address corruption, ensuring transparent monitoring of and accountability for officials complicit in human trafficking.
- Actively recognise the role of poverty, unemployment, and regional, urban-rural and gender inequality in driving trafficking – and take action.
- Enhance legal international migration pathways and the implementation of legislated entitlements for foreign trafficking victims.

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LGBTQ Rights in Central Asia: Legal Barriers, Social Challenges, and Activism

Natalia Arkhipova

Key Takeaways

- Uzbekistan and Turkmenistan remain the most restrictive environments for LGBTQ+ individuals in Central Asia, with same-sex sexual activity still criminalised under their legal codes.
- While Kazakhstan, Kyrgyzstan, and Tajikistan have decriminalized same-sex sexual activity, none of these countries have enacted anti-discrimination laws or legally recognized same-sex relationships. However, Kazakhstan has recently introduced a petition in June 2024, aimed at banning so-called “LGBT propaganda,” which would directly breach its international human rights obligations concerning nondiscrimination, freedom of expression, and assembly.
- Despite significant legal and societal challenges, LGBTQ+ activism in Central Asia, particularly in Kyrgyzstan and Kazakhstan, has demonstrated remarkable resilience. Activists continue to push for greater visibility and legal protections, often operating in hostile environments where government repression and societal opposition are prevalent.

Introduction

Central Asia, comprising Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan, and Tajikistan, represents a unique region where lesbian, gay, bisexual, trans, queer or questioning, or another diverse gender identity (LGBTQ+) rights are severely limited and often contested.

This region, characterised by its shared post-Soviet history, diverse cultures, and predominantly conservative societies, presents a complex landscape for LGBTQ+ individuals.[1] Across these countries, LGBTQ+ people face a range of challenges, from restrictive legal frameworks and lack of anti-discrimination protections to widespread social stigma and discrimination.[2] Understanding the status of LGBTQ+ rights in Central Asia is crucial, as it sheds light on broader issues of human rights, social justice, and the interplay between law, culture, and activism.



Flag of Uzbekistan at the LGBTQ+ parade in New York. Source: CABAR.

LGBTQ+ rights in Central Asia have been shaped by a combination of historical, cultural, and political factors. Despite the decriminalisation of same-sex sexual activity in Kazakhstan, Kyrgyzstan, and Tajikistan, there are no specific laws protecting LGBTQ+ individuals from discrimination, and same-sex relationships are not legally recognised.[3][4][5] In contrast, Uzbekistan and Turkmenistan still criminalise same-sex sexual relations, reflecting a more conservative legal stance

that further marginalises LGBTQ+ communities. [6][7] The absence of legal protections and recognition contributes to a hostile environment where LGBTQ+ individuals face violence, harassment, and limited access to justice.

Beyond legal challenges, societal attitudes in Central Asia are predominantly conservative, and heavily influenced by traditional values and religious beliefs.[8] Homophobia and transphobia are widespread, and LGBTQ+ individuals often experience significant social exclusion and discrimination. Public discourse on LGBTQ+ issues is frequently shaped by nationalist rhetoric and state propaganda, which perpetuate negative stereotypes and hinder progress toward greater acceptance and equality.[9]

Current Legal Frameworks

In Central Asia, the legal status of LGBTQ+ individuals varies significantly across the five countries in the region, reflecting a complex interplay of historical, cultural, and political factors. Each country has adopted different approaches to LGBTQ+ rights, ranging from criminalisation to decriminalisation without further protective measures.

Uzbekistan and Turkmenistan represent the most restrictive environments for LGBTQ+ individuals in Central Asia. In both countries, same-sex sexual activity remains criminalised, reflecting deeply entrenched conservative attitudes and a reluctance to align with international human rights standards.[10] In Uzbekistan, Article 120 of the Criminal Code explicitly prohibits consensual same-sex sexual relations between men, punishable by up to three years in prison.[11] Similarly, in Turkmenistan, Article 135 of the Criminal Code criminalises same-sex relations between men, with penalties including imprisonment for up to two years.[12]

These laws not only stigmatise LGBTQ+ individuals but also create an environment where discrimination, violence, and harassment are pervasive and unchallenged. Furthermore, there are no specific legal protections against discrimination based on sexual orientation or gender identity in either country, leaving LGBTQ+ individuals without recourse or legal support.

In contrast, Kazakhstan, Kyrgyzstan, and Tajikistan have decriminalised same-sex sexual activity, which marks a notable difference from their neighbours.[13] Kazakhstan decriminalised consensual same-sex relations in 1998, shortly after gaining independence from the Soviet Union.[14] Kyrgyzstan followed a similar path, decriminalising same-sex relations in 1998, and Tajikistan did so in 1998. [15] However, despite these steps toward decriminalisation, none of these countries have enacted comprehensive anti-discrimination laws that specifically protect LGBTQ+ individuals from discrimination in employment, housing, healthcare, or education. Moreover, there is no legal recognition of same-sex relationships in any form, such as marriage or civil partnerships, further entrenching LGBTQ+ individuals in a precarious legal position where they lack basic rights and protections afforded to their heterosexual counterparts.

Recent Developments



Photo Illustration by Emil Lendof. Source: The Daily Beast

While there has been some progress in terms of decriminalisation, recent legal developments in Central Asia have also highlighted ongoing challenges and resistance to LGBTQ+ rights. In Kyrgyzstan, for example, there have been several attempts to introduce "anti-LGBTQ propaganda" laws, similar to those enacted in Russia.[16] These proposed laws, first introduced in 2014, sought to criminalise the dissemination of information deemed to promote "non-traditional sexual relations," effectively banning any public expression or advocacy of LGBTQ+ rights.[17] Although the law has not yet been passed, its repeated introduction and the widespread public support for such measures underscore the significant social and political opposition to LGBTQ+ rights in the country.

Kazakhstan has also seen some notable developments. Kazakhstan's Constitutional Council announced on May 26, 2015, that pending legislation on "propaganda of nontraditional sexual orientation" is unconstitutional.[18] This decision was met with mixed reactions; while some viewed it as a step forward, others criticised the government's reluctance to implement comprehensive anti-discrimination laws that would protect LGBTQ+ individuals from widespread societal discrimination and violence.

In Tajikistan, there have been alarming developments related to LGBTQ+ rights. In 2017, the government created a registry of LGBTQ+ individuals as part of a supposed "morality campaign," raising significant human rights concerns.[19] This registry reportedly used for "profiling" and "preventive measures," has increased the risk of surveillance, harassment, and persecution for LGBTQ+ people in the country, reflecting a worrying trend towards greater state control and repression.[20]

The persistence of these attitudes is evident in countries like Uzbekistan and Turkmenistan, where conservative societal values and authoritarian political systems continue to uphold laws that criminalize same-sex relations and restrict any form of LGBTQ+ expression.[21]

Regional trends also suggest a cautious approach to LGBTQ+ rights, where governments may decriminalise certain aspects but stop short of providing broader protections or recognition.[22] This approach allows these states to present a more moderate image to the international community while avoiding backlash from conservative segments of their populations. Additionally, the influence of regional powers like Russia, which has enacted and promoted restrictive LGBTQ+ laws, cannot be overlooked.[23] Russia's "anti-LGBTQ propaganda" law has inspired similar legislative attempts in Central Asia, reflecting the region's broader geopolitical dynamics and the impact of Russian cultural and political influence.[24] As such, in June 2024 Kazakhstan introduced a new petition "against LGBT Propaganda", that calls on banning so-called "propaganda", which would breach Kazakhstan's international human rights obligations on nondiscrimination and freedom of expression, opinion, information, association, and assembly.[25]

Social Attitudes and Cultural Context

Social attitudes towards LGBTQ+ individuals in Central Asia are predominantly conservative, heavily influenced by traditional values, religious beliefs, and deeply ingrained societal norms. [26]



Source: VICTOR DRACHEV, AFP/Getty Images. 2010

Across the region, LGBTQ+ individuals often face significant stigma and discrimination, which are exacerbated by the lack of legal protections and the criminalization of same-sex activity in some countries.[27] In Uzbekistan and Turkmenistan, for example, the criminalisation of same-sex relationships not only marginalises LGBTQ+ individuals but also reinforces negative societal perceptions, further entrenching conservative attitudes that view non-heteronormative identities as deviant or immoral.[28]

Even in countries like Kazakhstan, Kyrgyzstan, and Tajikistan, where same-sex activity has been decriminalised, LGBTQ+ individuals continue to experience widespread social exclusion and discrimination. Homophobic and transphobic sentiments are pervasive, with many people holding traditional beliefs that reject LGBTQ+ identities as incompatible with cultural and religious norms. In many communities, LGBTQ+ individuals are pressured to conform to societal expectations or face social ostracisation, harassment, and even violence.[29] Media representation in the region often perpetuates negative stereotypes of LGBTQ+ people, portraying them as threats to traditional family values and national identity. This biased portrayal contributes to a climate of intolerance and hostility, making it difficult for LGBTQ+ individuals to live openly and safely. [30]

Furthermore, nationalist rhetoric and state propaganda frequently frame LGBTQ+ rights as a foreign imposition, which undermines local advocacy efforts and paints LGBTQ+ individuals as agents of Western influence. In some countries of the region, although, it is starting to change due to the popularisation of the Internet and foreign social trends.[31]

Overall, the cultural context in Central Asia remains a significant barrier to the advancement of LGBTQ+ rights, with deeply rooted conservative values and widespread social stigma contributing to the marginalisation and invisibility of LGBTQ+ communities. Advocacy for LGBTQ+ rights in the region requires navigating these complex cultural landscapes and addressing both legal and societal challenges to foster a more inclusive and accepting environment.

LGBTQ+ Activism and Advocacy

LGBTQ+ activism and advocacy in Central Asia are marked by resilience and ingenuity, despite facing significant challenges from conservative societies and restrictive political environments. Activists and organisations in the region operate in a complex landscape where public attitudes are largely unsupportive, and governments often oppose or restrict LGBTQ+ rights and expression.



A rainbow LGBT pride flag. Source: Human Rights Watch 2024, Wikimedia Commons.

Nonetheless, grassroots organisations and individual activists continue to push for greater visibility, legal protections, and social acceptance of LGBTQ+ individuals.

In Kyrgyzstan, LGBTQ+ activism is more visible compared to other Central Asian countries.[32] Organisations like Labrys and Kyrgyz Indigo have been at the forefront of advocating for LGBTQ+ rights, organising events, providing support services, and engaging in public education campaigns.[33] These groups have worked to build a community and raise awareness about LGBTQ+ issues, despite facing threats, violence, and legal obstacles. Notably, there have been attempts to introduce "anti-LGBTQ+ propaganda" laws similar to those in Russia, which would criminalise the promotion of LGBTQ+ rights in Kyrgyzstan. The laws were introduced by the conservative members of the Kyrgyz parliament. While these laws have not yet been enacted, their repeated introduction reflects the ongoing societal and political resistance faced by activists.[34]

Kazakhstan also has a burgeoning LGBTQ+ movement, with organisations like the Feminita initiative working to promote LGBTQ+ rights even despite legal challenges.[35][36] Activists in Kazakhstan focus on both legal advocacy and community support, such as challenging discriminatory laws and practices, providing safe spaces, and offering psychological support for LGBTQ+ individuals. However, activism in Kazakhstan is complicated by government surveillance and occasional crackdowns on public demonstrations, requiring activists to navigate carefully between advocating for rights and ensuring their safety.[37] In Uzbekistan, Turkmenistan, and Tajikistan,

LGBTQ+ activism is extremely limited due to harsh legal environments and societal hostility. In these countries, where same-sex relationships are criminalised (Uzbekistan and Turkmenistan) or highly stigmatized (Tajikistan), open advocacy is nearly impossible.[38] Instead, LGBTQ+ communities often operate

underground, using discreet networks and digital platforms to connect, share information, and provide mutual support.[39] In Tajikistan, for example, activists have to operate covertly to avoid persecution, especially after the government compiled a registry of LGBTQ+ individuals in 2017 as part of a morality campaign.[40]

Despite these challenges, Central Asian LGBTQ+ activists continue to find creative ways to advocate for their rights. They often collaborate with international human rights organisations to bring attention to their struggles and gain support.[41] The use of social media and online platforms has also become an important tool for raising awareness, mobilising support, and connecting with global LGBTQ+ networks.

Conclusion

LGBTQ+ rights in Central Asia face significant challenges due to restrictive legal frameworks and conservative societal attitudes. While some progress has been made in decriminalising same-sex activity, comprehensive protections and social acceptance remain lacking. Activists in the region demonstrate resilience, advocating for change and supporting LGBTQ+ individuals despite facing significant risks. The future of LGBTQ+ rights in Central Asia depends on continued advocacy, legal reforms, and shifting public attitudes towards greater inclusivity.

Recommendations

- **Decriminalisation and Legal Reform:** In response to the strong advocacy, Uzbekistan and Turkmenistan should repeal laws that criminalise same-sex sexual activity to align with international human rights standards. Decriminalisation is a critical first step towards reducing stigma and discrimination against LGBTQ+ individuals. Governments should also consider implementing legal frameworks that protect against discrimination based on sexual orientation and gender identity.
- **Governments and civil society organisations** across Central Asia should implement public awareness campaigns and educational programs to challenge homophobic and transphobic attitudes. Promoting a better understanding of LGBTQ+ issues and fostering inclusivity can help reduce societal stigma and create a more accepting environment for LGBTQ+ individuals.
- **Support and Protect LGBTQ+ Activism:** Governments should create a safe and enabling environment for LGBTQ+ activists and organisations to operate without fear of harassment, violence, or repression. This includes protecting the freedom of expression and assembly and ensuring that activists are not targeted for their advocacy work. International organisations and human rights bodies should provide support and solidarity to local activists to amplify their voices and strengthen their efforts.

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Forced Labour in Turkmenistan's Cotton Industry

Ruchi Singh

Key Takeaways

- The Turkmen government continues to enforce forced labour in its cotton industry, involving tens of thousands of state employees, including teachers, doctors, and students, who are coerced into harvesting cotton, often under the threat of job dismissal or expulsion from school.
- Workers in the cotton fields endure harsh conditions, such as extreme heat, chemical exposure without protection, and the absence of adequate medical facilities, highlighting the dangerous and exploitative nature of this forced labour.
- Despite a formal ban on child labour in cotton harvesting, children continue to be involved, often working as substitutes for adults fulfilling quotas, showing that child labour remains tied to the broader system of forced labour.
- Comprehensive reforms are needed to eliminate forced labour, including recognising basic worker rights, ensuring freedom of expression, and allowing independent monitoring to protect both adults and children.

Introduction

For years, the Turkmenistan government's tight control over cotton production has led to widespread human rights abuses, with state employees—including teachers and doctors

—coerced into participating in gruelling harvests. This practice is deeply ingrained in the country's cotton industry, a significant part of its economy. [1] [2]

In August 2024, Turkmenistan commenced its annual cotton harvest campaign, a process historically associated with widespread forced labour.[3] Tens of thousands of state employees, students, and soldiers are coerced into participating, often under the threat of job dismissal or expulsion from school. This coercion extends to public-sector workers, who are required to pick cotton during regular working hours, and sometimes even during their vacations, as noted with teachers and medical professionals in the western Balkan Province in mid-2024. Workers face these conditions without pay, under constant threats, and some resort to paying bribes to avoid labour. [4]

Recent developments suggest a potential shift in the country's approach. The Government of Turkmenistan has partnered with the International Labour Organisation (ILO) to address longstanding issues related to forced labour. [5] The government and the ILO have developed a cooperation roadmap for 2024-2025, aiming to prevent forced labour during cotton harvests. This plan includes measures to eliminate both adult and child forced labour, establish reporting mechanisms for coercion and extortion, and set minimum wage standards. [6] Since June 2024, negotiations, seminars, and training programs have raised awareness about preventing the mobilisation of child labour.

Additional seminars were conducted in August 2024 in the Ahal, Mary, and Dashoguz Velayats as part of the roadmap's implementation. [7]

While this initiative marks a step forward, the country continues to struggle with ongoing instances of child labour in cotton fields and insufficient accountability for government officials involved in perpetuating forced labour practices. [8]

Economic and Political Context

Turkmenistan is one of the most closed countries in the world, with a government controlling almost every aspect of public life. Textiles are one of the few industries that bring much-needed foreign currency to Turkmenistan, with cotton being one of the most significant crops in the country. Cotton is considered strategically important, complementing the revenue generated from the oil and gas sector.[9]

Despite its economic importance, Turkmenistan is ranked at Tier 3, the lowest possible ranking which indicates a failure to meet minimum standards in combating human trafficking and making significant efforts. [10] There is no free media and no independent trade unions to protect workers. Moreover, the government continues to deny allegations of forced labour and anyone who speaks out about such abuse faces harsh consequences. [11]

“In Turkmenistan, there are no independent institutions or mechanisms to protect workers against reprisal for refusing to pick cotton. Anyone who attempts to speak out faces’ harassment, physical attacks, and arbitrary imprisonment.”— Ruslan Myatiev, director of Turkmen News. [12] The structure of cotton production in Turkmenistan is highly centralised, operating under a state-controlled monopoly-monopsony system. [13] The Turkmen government exerts total control over cotton production.

The state owns all agricultural land, which it leases to farmers who are required to grow various crops, including cotton, to fulfil state-mandated quotas. The government dictates cotton production amounts, locations, and prices for essential inputs like seeds, fertiliser, and fuel. [14]



Thousands of state employees are required to pick 20-25 kilos of cotton per day in Turkmenistan's Lebap province. Source: RFE/RL, 2023

Forced Labour and Working Conditions During the Harvest Season

Cotton harvesting is an extremely demanding task, requiring the manual extraction of cotton plants and the removal of cotton bolls. Forced labourers endure difficult, often intolerable, working and living conditions. [15] Workers are exposed to the intense heat of the open fields, with limited access to shade and minimal provision of drinking water. As the harvest extends into November or December, the weather shifts to cold and wet conditions, yet labourers are compelled to continue working under these adverse circumstances. [16]

The fields are frequently treated with chemicals, yet workers are not provided with essential protective equipment, such as gloves or masks, nor are they informed about the nature of the chemicals used. [17] Furthermore, medical facilities are not made available to address potential health issues caused by chemical exposure.

During the harvest season, regional governors are responsible for mobilising tens of thousands of citizens, including public sector workers, to work in the cotton fields. The state coerces employees of both state and private enterprises to meet quotas by picking cotton, often under dangerous and unsanitary conditions. Doctors, dentists, teachers, students, and military personnel are among those required to leave their usual work to participate in the cotton harvest. [18]

In some instances, private businesses are compelled to assist with the harvest by providing transportation or food for civil servants. The pressure to meet quotas sometimes results in children picking cotton alongside their parents or as substitutes for relatives. Some children also work as paid replacements for those forced to pick cotton. [19]

Child Labour

Despite formal bans on child labour in cotton harvesting since 2005 and the recent classification of such work as "harmful and dangerous," the reality on the ground differs starkly from official policy. [20]

Children continue to be involved in cotton picking, often working as substitutes for family members or to earn money in place of state employees coerced into fulfilling cotton quotas. The number of children involved fluctuates depending on various factors, including whether it's a school day or the quality of the cotton crop. [21]

The issue of child labour in Turkmenistan's cotton industry is closely tied to the broader system of state-enforced forced labour. Due to government pressure to meet harvest quotas, children are frequently drawn into the labour force alongside their parents, despite efforts to

curb the practice. In some cases, children are also hired as replacements for those who are compelled to work in the fields but can afford to pay for a substitute. [22]



School and kindergarten teachers submit cotton for weighing in the Dashoguz region, as part of the state-mandated cotton harvest. Source: The Turkmen News, 2022

The Cotton Campaign's 2023 report to the UN Committee on the Rights of the Child highlighted that addressing child labour in Turkmenistan requires tackling the systemic forced labour imposed on adults. Without addressing the root cause—state-imposed labour quotas and lack of workers' rights—efforts to eliminate child labour will likely remain ineffective. The report stressed the need for wider labour reforms, including the recognition of basic worker rights, freedom of association, and independent monitoring, as critical steps towards eradicating both adult and child forced labour in Turkmenistan's cotton fields. [23]

In 2023, some progress was made when the Ministry of Labour updated its list of hazardous jobs prohibited for individuals under 18, specifically adding "cotton picker" and "cotton grower." However, the challenge remains in enforcing these regulations consistently across the country. Observers also noted a reduction in child labour during the 2023 harvest season, but the systemic issues underpinning forced labour persist.

For true reform, the Turkmen government must ensure that policies banning child labour are fully implemented and that broader labour rights are upheld to protect children and adults alike. [24]

Recent Attempts to Combat Forced Labour

In 2023, Turkmenistan showed promising signs of progress in addressing forced labour in its cotton industry. For the first time in a decade of independent monitoring, observers noted that the government took steps to reduce coerced labour practices. [25] [26] Notably, by late September 2023, state institutions ceased the practice of forcing teachers and doctors to either participate in the cotton harvest or pay for substitutes. [27]

Furthermore, the country's commitment to reform was underscored by its cooperation with the ILO. In October 2023, following the signing of a cooperation agreement, the ILO conducted its inaugural mission to monitor the cotton harvest in Turkmenistan. This development marks a significant step towards international oversight and potential improvements in labour practices within the country's cotton sector. [28]

On June 3, 2024, the governor of Lebap Province convened a meeting with leaders of agricultural associations from various traps to address concerns about cotton production, specifically the rising use of child labour in harvesting. [29]

In a related move, on June 18, 2024, the Cotton Campaign, a global coalition committed to ending forced labour in Central Asian cotton production, sent letters to the Italian Trade Agency (ITA) and the Association of Italian Textile Machinery Manufacturers (ACIMIT). The letters urged these organisations to cancel their business meetings in Turkmenistan and instead use their influence to push the Turkmen government to end its forced labour practices. [30]

The coalition has also called on business associations, textile machinery manufacturers, brands, and other supply chain entities to halt all investments in Turkmenistan's textile industry, aiming to prevent them from profiting from or contributing to the widespread and state-enforced use of forced labour in the country's cotton production. [31]



School and kindergarten teachers arrived by truck to a cotton field in the Dashoguz region to participate in the state-directed cotton harvest. Source: The Turkmen News, 2022

Conclusion

While these changes in mobilisation are promising, it is important to recognise that the Turkmen government has not implemented other measures that would suggest more substantial policy reforms. For instance, they have not held government officials accountable for using forced labour or issued public condemnations of the practice.

True progress will require addressing fundamental rights such as freedom of association and expression, allowing for independent monitoring, and holding government officials accountable for labour violations. International pressure, including calls for businesses to halt investments in Turkmenistan's textile industry, may play a crucial role in encouraging more substantial reforms.

Recommendations

- Rights need to be safeguarded through the implementation of appropriate measures to abolish state-sanctioned forced labour. The underlying issues need to be addressed to eliminate forced labour practices and promote the rights to freedom of expression and freedom of association.
- Forced labour reforms need to ensure freedom of speech and freedom of assembly, allowing any independent NGO, including genuine trade unions, to operate freely.
- The freedom of expression of activists, organisations working on labour rights, journalists, and any individuals aiming to monitor and report on forced labour-related issues need to be released and protected. Their data needs to be incorporated into forced labour policies.
- ILO needs to engage with the International Trade Union Confederation, Workers' Rights, and Employers' associations in all aspects of monitoring and developing the roadmap.
- Effective cooperation with international trade unions and other independent civil society actors, including Turkmen partners in exile, needs to be promoted, and regular participation in the work of all ILO projects and programs in Turkmenistan needs to be enhanced.

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The Right to Adequate Housing in Uzbekistan

Tuck Kei Yong

Key Takeaways

- Uzbekistan's new constitution formally recognises the right to adequate housing; however, significant gaps remain between these legal guarantees and their practical implementation. Even to this day, issues like forced evictions, inadequate housing conditions, and slow judicial enforcement highlight the need for more effective measures and real-world application of these rights.
- Persistent issues in housing affordability and infrastructure will continue to be exacerbated by inadequate water and energy systems. Limited access to safe drinking water, high energy costs, and inefficiencies in heating systems impact the quality of housing. Addressing these infrastructure deficits through targeted investments and improvements in energy efficiency is key to enhancing the overall housing conditions and affordability.
- To bridge the gap between legal promises and practical outcomes, Uzbekistan must strengthen its judicial and non-judicial mechanisms for enforcing housing rights. State measures might include ratifying international protocols, improving legal aid, and implementing effective national housing strategies. By focusing on these areas, the Uzbek government can make meaningful progress towards ensuring the enjoyment of the right to adequate housing by all its citizens.

Background

The official visit by the United Nations Special Rapporteur on the Right to Adequate Housing to Uzbekistan from 19 to 30 August 2024 marked a pivotal moment of perusal by the international community, indicating the severity of the housing issues in the nation in the latter half of 2024. [1] Violations by the local authorities of individuals' housing rights are no new occurrences in Uzbekistan. From 2019 to 2020 alone, we saw a series of sporadic civil disobedience against the Uzbek authorities for demolishing their houses and forced eviction. [2] On 26 July 2019, local authorities in the Xorazm region demolished hundreds of civilian housing to make way for new industrial projects. [3] Whilst the authorities promised financial compensation, the former residents of these damaged houses received nothing and thus, sparked a protest and blockage over public highways. It is important to note that protests of any scale remain rare in Uzbekistan given the authorities' strict control over the media and civilians' everyday speech.



Protesters set fire to a pile of bushes and tree branches on the road in Buston town in Karakalpakstan, after the December 2019 energy crisis. Source Farangis Najibulla/Radio Free Europe, 4 December 2019.

Despite this, the extent and intensity of housing rights violations in Uzbekistan have pushed locals to advocate for their rights since then. In December 2019, an energy outage across the nation sparked an unprecedented nationwide protest as virtually all houses have been left with no or inadequate supplies of electricity in the midst of the winter season. [4]

Beyond this, we see the occasional protests across all regions in the nation where residents dared to voice out against the government's failure to safeguard their right to adequate housing. All these have even been observed in its capital city of Tashkent in 2020, [5] the beating heart of the Uzbek authorities.

Housing Rights Guaranteed under International Law

According to article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the right to adequate housing is of central importance to the right to an adequate standard of living and thus, adequate housing allows for the enjoyment of other economic, social and cultural rights. [6] The idea of adequate housing transcends beyond merely having a roof over our heads; instead, it means our inherent right to live somewhere in security, peace and dignity. [7]

The Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment 4 (1991), elaborated that the right to adequate housing included the legal security of tenure, availability of essential facilities, affordability, habitability, availability, location, and cultural adequacy. [8] Since Uzbekistan ratified ICESCR in 1995, the Uzbek State is obliged to take certain measures to achieve the full realisation to the right to adequate housing. This does not mean that States have to provide housing for their entire population, nor does anyone have the enforceable right to demand housing from the State. [9]

Instead, in the long run, the Uzbek State must merely undertake progressive measures to fully realise everyone's right to adequate housing, within a reasonable time and using their maximum available resources. [10] Progressive measures may entail establishing community housing finance systems for affordable housing or refraining from making legislative decisions that lead to a decline in housing conditions. [11] In the short run, State obligations of immediate effect require Uzbekistan to adopt national housing strategies, undertake measures non-discriminatorily, and carry out effective monitoring of vulnerable social groups. [12]



Uzbekistan government launched a targeted State programme of individual housing construction in rural areas. Source:UNECE, 19 June 2014

Over the past two decades, the Uzbek State has made great stride in achieving the realisation of the right to adequate housing. Notably, constitutional and legislative protection on the right to adequate housing exist to safeguard property rights and ensure the minimum conditions for the exercise of the right to adequate housing. [13] Moreover, additional legislations exist to clarify and streamline mechanisms for property ownership, mortgage, privatisation, homeowner's association, urban planning and more. [14] However, a 2017 government survey revealed that 80% of the respondents require upgrades to their living situation. [15]

Water and Energy as Housing Infrastructure Challenges

Despite recent progress, the unavailability of essential facilities remains an issue for Uzbekistan's housing- namely water and temperature regulation. According to the joint monitoring program by the World Health Organization and United Nations International Children's Emergency Fund, in 2022, only 70.74% of the population in rural areas has access to safe drinking water, while 88.78% in urban areas has access. [16]



A boy in the village of Gulistan in Uzbekistan's Fergana region struggles to wash his hands and maintain personal hygiene. (Sherzod Alimov/UNDP Uzbekistan, 2018)

Inaccessibility to water among households would only worsen as a 2024 study by the Eurasian Development Bank estimated that financing shortcomings in the water sector in central Asia would amount to a deficit of more than USD 12 billion between 2025 to 2030, which the worst among the central Asian countries being Uzbekistan with a estimated deficit of almost USD 5 billion for the same period. [17] As Uzbekistan continues to rely on the Aral Sea region as its biggest water source, the continual pollution of the Amu Darya river, which flows into the Aral Sea, will only limit accessibility to drinking water in rural households, [18] and requires financing for the construction of more water purification stations. [19]

Unprecedented global temperature has led to the European Union's Copernicus Climate Change Service declaring 22 July as one of the hottest days ever recorded. [20] Extreme heat increases health risks faced by the populace in regions that remain unadapted to sudden spikes in temperature. [21]

In Uzbekistan alone, around 9.5 million children, which amounts to 91 per cent of its children, were previously exposed to climate-induced heatwaves, with the country even predicted to be the top 10 countries affected by heat stress in 2030. [22] The rise in global temperature has led to a surge in daily need for air conditioning and refrigeration equipment in Uzbekistan, which has also increased the household demand for electricity. [23] This, however, has led to the occasional overloading of the Uzbek national power grid. [24] In 2022, the overloading led to a nationwide blackout as it also affected power plants linked to the grid. [25] Since then, the national power company have been rationing electricity supplies to all households to prevent another blackout. [26] Yet, even in 2024, despite State commitment to resolve production shortfall, necessary State-induced blackouts remain in some regions. [27] Worse, Uzbekistan continues exporting their already scarce electricity to China and Afghanistan amid shortages. [28][29] Consequently, it remains a concern how residents would respond to their State's continual prioritisation of foreign trade over the livelihoods of their people.

Thus, without proper financing into water and energy infrastructure, everyone especially those currently residing in rural areas, will continue to face limited access to services for adequate housing. Limitation to water and electricity among households will likely reignite another wave of protests akin to those between 2019 to 2020.



Uzbekistan braces for heatwave as air temperature in the nation is forecast to rise to 46°C from July 6-8.. Source AKIpress News Agency, 5 July 2021.

High Costs and Housing Shortages

Uzbekistan faces significant challenges in housing affordability, primarily driven by the improper amount of housing, combined with the high cost of property and construction. According to the Asian Development Bank, the number of homes in Uzbekistan needs to be increased by 100k every year until 2040 in order to provide an adequate amount of housing for the population, taking the growth of the population into account. [30] In 2024, the average price of secondary housing in Tashkent is now USD 1,200 per square metre, rendering it virtually unaffordable for most households. [31] With an annual household income per capita of only USD 1,705.680 in Dec 2023, it would take nearly years of average household income to purchase an apartment, thus resulting in many residents being priced out of the housing market. [32] The State Programme on Construction of Model Detached Housing offers some relief through subsidised mortgages and tax exemptions, but these measures have not fully addressed the widespread affordability issues. [33]

Moreover, the static availability of housing space, averaging 16 square metres per person since 2020, [34] has resulted in at least 346,318 deficits in housing stock in 2019. [35]

Whilst this figure is notably lower compared to other countries, it nevertheless reflects a broader issue of inadequate housing stock relative to population needs. The lack of comprehensive data on vacant and abandoned properties further complicates the situation, underscoring the need for more effective housing policies and increased investment to alleviate these affordability constraints and meet the housing needs of Uzbekistan's population.

Another factor relating to the high cost would be utility bills. Whilst electricity consumption per capita is low, around 45% less than the global average, Uzbekistan is one of the most energy-intensive nations in the world with energy consumption per unit of GDP more than 50% above the world average. [36] Amidst a rising electrical and gas tariff, [37] the housing sector in Uzbekistan faces significant affordability issues due to low energy efficiency standards and inefficient temperature regulation systems. [38]

For the past decade, it has been constantly highlighted that Uzbekistan's energy efficiency is comparatively low, with district heating systems in large cities resulting in considerable energy losses and inadequate temperature control for residents. [39] windows or using electric heaters exacerbates the problem. Improving energy efficiency through advanced heating systems and better building standards could significantly reduce energy consumption and costs. [40] Transitioning to closed heat supply schemes with individual heating points could offer an economically viable solution, providing substantial savings and addressing both energy inefficiencies and housing affordability concerns. [41]

As residents continue to struggle financially in a rapid urbanising Uzbekistan, the increasing desperation among the local population could once again lead to heightened tensions and unrest, ultimately threatening the peace and security of the community.



A makeshift house in Uzbekistan after locals' houses have been demolished by local authorities. Source: Martin Morgan/ BBC, 30 July 2019.

Bridging the Gap in Housing Right

The recent inclusion of the right to adequate housing in Uzbekistan's new Constitution marks a significant legal advancement, ensuring protection from unlawful interference, property rights, and access to judicial remedies. However, the practical realisation of these rights remains lacking. The gap between the legal framework and its implementation is evident, as rapid urbanisation and forced evictions continue to impact many individuals. [42] The UN High Commissioner for Refugees reported that 21904 forcibly displaced persons from Uzbekistan in 2023, representing a 67.63 per cent increase compared to 13067 in 2022. [43] Most of the forcibly displaced persons are those residing in rural populations with 20738 (94.68%) in 2023 alone. [44] Despite the constitutional and legal progress, victims of these issues often find that the new laws and protections do not yet translate into tangible relief or justice. [45]

Moreover, the judiciary and non-judicial complaint mechanisms, such as the Ombudsperson's Office and the General Prosecutor's Office, have yet to effectively enforce housing rights. The slow development of a legal culture, limited access to legal aid, and insufficient follow-up on complaints contribute to the ineffectiveness of these remedies. [46]

Individuals who seek justice through these channels frequently face unresolved cases and inadequate responses, underscoring the need for Uzbekistan to ratify the optional protocol to the International Covenant on Economic, Social, and Cultural Rights to improve judicial understanding and enforcement of housing rights.



Local residents near the Aral Sea struggling to live in the harsh environment. Source: Matilda Dimovska/UNDP Uzbekistan, 23 March 2010

Take the case of Olga Abdullayeva, for example, who was surprised to learn that her privately owned apartment was to be demolished in 2018 when local authorities reallocated her land to a private developer. [47] The forcible relocation of her and her family was done so without any prior consultation, nor was she given any form of adequate compensation. When Olga refused to reallocate, the private developer sued her to have her forcibly removed from her housing, leading to two court decisions on 11 October 2019 and 13 March 2020 that sided against Olga. In her desperate final attempt to save her private property, Olga filed an appeal to the Supreme Court to reverse the previous decisions made by lower courts. Unfortunately, her appeal was still rejected for what local human rights defenders deemed as "arbitrary" reasons.



Mavjuda Mamatkasymova was another person who were forcibly evicted out of her own apartment and passed after her eviction. Source: Farida Sharifullina / housing.uz, 19 October 2024.

Examples like Olga illustrates how the Uzbek government instrumentalises the judicial bodies to arbitrarily and illegally legitimises property seizure of local residents for development purposes. [48] The courts do so by either annulling the registration of private property rights or condoning intimidation tactics used to pressure property owners into selling and accepting, if any, an inadequate amount of compensation. [49] Olga's case is but one of many examples throughout the rapid urbanising landscape in the nation. In 2024, the issue persists, with thousands of residents forcibly evicted from their houses, and thousands more remaining under the threat of eviction. [50]

Conclusion

While Uzbekistan has made notable strides in recognising and legislating the right to adequate housing, significant challenges remain in translating these legal advances into real-world improvements. The gap between the constitutional guarantees and their practical implementation reveals ongoing issues with housing affordability, infrastructure deficits, and energy inefficiencies.

High property costs, inadequate housing conditions, and insufficient access to essential services such as water and energy exacerbate these problems, particularly for rural and vulnerable populations.

Addressing these challenges requires a concerted effort to bridge the divide between law and practice. Strengthening the enforcement of housing rights through judicial and non-judicial mechanisms, improving energy efficiency, and investing in infrastructure are crucial steps toward ensuring that the right to adequate housing is not merely a constitutional promise but a lived reality for all. Ratifying international protocols and enhancing legal aid and support for affected individuals can further bolster these efforts. As Uzbekistan continues its journey towards sustainable and equitable housing solutions, addressing these critical gaps will be essential for fostering a more just and inclusive society.

Recommendations

- Foster peace through inclusive housing policies: The Uzbekistan government should design and implement housing policies that are inclusive and equitable to ensure that all population segments, particularly marginalised and vulnerable groups in rural areas, have access to affordable and adequate housing. Creating housing strategies that address disparities and encourage community integration, the state can contribute to a more harmonious society and prevent social tensions that arise from housing inequities.
- Promote human dignity with improved infrastructure: Ensuring access to essential services like water and energy is fundamental to upholding human dignity and security. Uzbekistan must continue to invest in modernising its water and energy infrastructure to guarantee that all citizens, especially in underserved rural areas, can enjoy a basic standard of living. These improvements will support the right to live with security, peace, and dignity by providing reliable access to safe drinking water and stable energy sources, which are essential for a decent quality of life.

- Uphold the fundamental rights of individuals:
The Uzbek government should fortify its mechanisms for protecting housing rights, which could include measures such as improving the effectiveness of legal remedies and complaint mechanisms to ensure that housing rights are respected and enforced. Strengthening judicial and non-judicial systems to address housing grievances will also help protect individuals from unlawful evictions and ensure that their rights are safeguarded. Additionally, ratifying international human rights protocols can also further reinforce the country's commitment to peace, humanity, and security in housing practices.

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Balancing Security and Obligations: Plight of Afghan Refugees in Central Asia's Legal Landscape

Saher Husain

Key Takeaways

- Central Asian countries are generally closed to refugees, with policies designed to prevent the entry of asylum seekers and control the influx of individuals they deem undesirable.
- The influx of Afghan refugees into neighbouring Central Asian countries has created a complex situation where these nations must balance their domestic security concerns with their international obligations to protect and support those fleeing persecution. This tension underscores the challenges these countries face in managing the refugee crisis while adhering to international legal standards.
- While neighbouring Central Asian countries like Tajikistan and Turkmenistan have taken steps to align their refugee policies with international legal standards, significant gaps remain in their practical implementation, particularly with ensuring non-refoulement and access to basic services for Afghan refugees. Uzbekistan's non-ratification of the 1951 Refugee Convention leaves refugees within its borders vulnerable to inconsistent treatment, underscoring the urgent need for the region to strengthen legal frameworks and uphold international commitments to better protect displaced individuals.

Introduction

Since the Taliban's takeover of Afghanistan in 2021, the country has experienced a dramatic escalation in violence, instability, and human rights abuses, prompting a significant exodus of Afghan citizens over the years.[1] The rapid deterioration of living conditions, coupled with natural disasters, and fears of persecution[2], has forced many Afghans to seek safety beyond their national borders. In particular, neighbouring countries within the Central Asian region—such as Tajikistan, Uzbekistan, and Turkmenistan—have become key destinations for those fleeing the crisis. These countries share not only geographical proximity but also complex historical and cultural ties with Afghanistan. However, these neighbouring states have expressed growing concerns about the potential domestic security risks posed by the influx of refugees, fearing that it could destabilize their domestic environments and exacerbate existing socio-economic challenges. [3]



The Taliban's resurgence prompted concerns of a looming humanitarian crisis in Afghanistan and the surrounding region leading to mass migration. Source: Reuters 2021.

The treatment of Afghan refugees in these countries not only reflects their domestic priorities but also raises questions about their adherence to international refugee law and human rights standards. Given this context, it becomes essential to explore the policies these Central Asian nations have adopted in response to the Afghan refugee crisis, as well as scrutinising how these policies align with their international legal obligations.

Status of Refugees in Central Asian Countries

As of January 2024, there are around 7,636 refugees and 3,075 asylum-seekers from Afghanistan, hosted by Central Asian countries. [4] However, without legal status, they are often unable to access basic rights and services such as employment, freedom of movement, healthcare, and education.[5]

These refugees face varying legal protections depending on the country they reside in. The 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) [6] has been ratified by Tajikistan (1993) and Turkmenistan (1998), however, Uzbekistan is the only country which has yet to ratify it.[7] The 1951 Refugee Convention is a cornerstone of international refugee law, setting out the rights of individuals who are granted asylum and the responsibilities of nations that provide refuge. The Convention establishes the principle of non-refoulement, i.e., the prohibition of returning refugees to territories where their life or freedom would be threatened, and also, outlines standards for the treatment of refugees, ensuring they have access to basic rights such as employment, education, and public relief, and prevents arbitrary detention or expulsion. For Tajikistan and Turkmenistan, ratification of the Refugee Convention means that they are legally bound to uphold these obligations and protect refugees in accordance with international law. Their commitments include offering refugees protection from persecution, ensuring humane treatment, and facilitating integration into society.

By contrast, Uzbekistan's failure to ratify the Convention creates a significant legal gap. Without formal adherence to the Refugee Convention, Uzbekistan is not obligated to implement these rights and protections. This raises concerns over the treatment of refugees within its borders, particularly with respect to non-refoulement, fair asylum processes, and access to essential services. The lack of legal commitment may also deter international organisations from effectively working within Uzbekistan to provide humanitarian aid or legal support for refugees. This non-ratification can lead to inconsistent refugee policies that may not align with international norms, undermining the protection of vulnerable individuals fleeing persecution.



Countless Afghans displaced since the Taliban's ascent to power. Source: Sayed Habib Bidel/UNOCHA 2022.

It is therefore important to dive into the domestic legal landscape of these countries to further examine their adherence and/or acceptance of refugees.

Tajikistan

As of January 2024, Tajikistan is hosting approximately 10,000 refugees, asylum-seekers, and stateless individuals, many of whom are from Afghanistan.[8] However, despite its international legal commitments, Tajikistan has made minimal efforts to fully uphold these obligations, often falling short in providing adequate protection and support to refugees. For example, the Law of the Republic of Tajikistan on Refugees No. 1124 of 2014[9]

stipulates who a refugee or asylum-seeker is and lays down important principles like non-discrimination and non-refoulement to be followed while accepting or rejecting their refugee status. However, Resolution No. 325 of 2000 (amended by Resolution No. 328 of 2004) [10] forbids refugees and asylum seekers from living in big cities or the border districts of Tajikistan. This leaves them currently making homes in cities like Vahdat [11], which limits their access to better job opportunities or proper and better healthcare services, as a result of which many Afghan refugees face economic and health-related hardships. [12] Ahmad, an Afghan who has been living in Vahdat for 2 years now stated that "the main problem for migrants in Tajikistan is the uncertainty of their future. They work in construction and as taxi drivers for very low wages and struggle to pay taxes. If they cannot afford it, continuing their education becomes impossible. It can be said that 95% of migrants have been left out of higher education." [13] Therefore, many live in the fear of uncertainty.

Such discriminatory laws and practices not only violate the principles mentioned in the National Refugee Law No. 1124 of 2014 but also Article 26 of the 1951 Refugee Convention [14], along with Articles 2 and 12 of the ICCPR [15].



Afghan refugees living in poverty in the city of Vahdat, Tajikistan. Source: RFE/RL 2022.

Moreover, many Afghan refugees since 2022, have been forcibly deported and expelled despite facing risk back home. The wife of one of the deportees reported that "my husband's residency documents were correct. He had a UN refugee card, but he was expelled from Tajikistan... My husband is now on the other side of the border, and I am in Tajikistan with my three children. We don't know where to go." [16] The UNHCR has raised concerns over these incidents and pointed out that such forced returns put asylum-seekers at risk of persecution upon return, constituting a serious breach of international law. [17] Elizabeth Tan, UNHCR's Director of International Protection, stated "We are asking Tajikistan to stop detaining and deporting refugees, an action that puts lives at risk... Forced return of refugees is against the law and runs contrary to the principle of non-refoulement, a cornerstone of international refugee law." [18]

This shows that, despite Tajikistan's formal commitments under international law, including the 1951 Refugee Convention and ICCPR, the country's practices reflect a troubling pattern of non-compliance. The restrictive laws combined with instances of forced deportation, highlight a disconnect between Tajikistan's legal obligations and its treatment of Afghan refugees. Such actions not only violate fundamental principles of non-refoulement and non-discrimination but also expose refugees to significant risks, including persecution, further undermining their safety and dignity. Tajikistan must focus on complying with its international obligations. The government should halt forced deportations and amend laws such as Resolution No. 325 to lift restrictions on where refugees can live, granting them access to better employment opportunities, healthcare, and social services. By doing so, Tajikistan would not only be upholding international commitments but also providing Afghan refugees with the means to build stable, self-sufficient lives.

Despite all this, the role of the international bodies has been instrumental. For instance, the Youth Entrepreneurship and Employment Skills (YES) programme under the Aga Khan Foundation's local impact project supported by USAID has helped support many Afghan refugees in graduating and building the necessary skills to enter the job market.[19] Moreover, initiatives by international organisations like the partnership between UNHCR and IOM on 6 September 2024 have helped reinforce the commitment to joint efforts in supporting refugees and vulnerable groups in Tajikistan.[20] Therefore international organisations have played an important role where the government has failed. Such organisations should continue to work closely with Tajikistan to promote and protect the rights of refugees.



September 2024 Partnership between UNHCR and IOM to help refugees and vulnerable groups in Tajikistan .Source: UNHCR Central Asia 2024.

Uzbekistan

While Uzbekistan has shown the will to join the 1951 Refugee Convention [21], the fact that it has not as of yet ratified the treaty raises concerns about the protection of refugees and asylum-seekers within its borders. Refugees in Uzbekistan have limited access to rights and are often forced to move to third countries irregularly.[22] Moreover, because of only having been granted short-term visas, many Afghan refugees are vulnerable to trafficking, compounded by harassment from authorities. [23]



Uzbek border security officers inspecting an Afghan citizen at Termez-Hairatan crossing, Uzbekistan, Source: VOA 2021.

Without formal ratification, Uzbekistan remains outside the legal framework that mandates key protections such as non-refoulement, the right to seek asylum, and access to essential services for refugees. This lack of commitment leaves refugees vulnerable to inconsistent policies and practices and limits Uzbekistan's accountability under international law.

Recent 2024 reports indicate that Uzbekistan is engaged in negotiations with Germany on the deportation of Afghan refugees, raising further concerns about its approach to refugee protection.[24] Such actions would directly contradict the principle of non-refoulement, further underscoring the need for Uzbekistan to ratify the Refugee Convention and establish a comprehensive legal framework to safeguard refugee rights. Without this, refugees remain at risk of being expelled to countries where their safety cannot be guaranteed, in clear violation of international human rights standards.

The only reference made to the institution of asylum is stipulated [25] under Article 93 of the Constitution, which explicitly refers to the right to seek asylum. However, there is no national legal instrument governing the application procedure or regulatory mechanism to help refugees in the country. While Presidential Decree No. UP-5060 of 2017[26] allows for the granting of political asylum to individuals facing persecution, marking a positive initial step towards building an asylum system, it remains limited in scope. This highlights the urgent need for comprehensive national legislation

that establishes clear procedures and protections for all refugees, ensuring their rights are upheld under international standards, starting with the urgent need to ratify the 1951 Refugee Convention.

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Turkmenistan

The government of Turkmenistan's commitment to its international legal obligations is demonstrated not only by its ratification of the 1951 Refugee Convention but also by its accession to the 1961 Statelessness Convention. [27] These actions signal a strong alignment with international refugee and human rights frameworks. In addition, the 2017 Law on Refugees [28] provides a domestic legal basis for determining who qualifies as a refugee or asylum-seeker while accepting or rejecting their refugee status in line with international legal principles. This law offers a more structured approach to refugee protection, though the practical implementation of these protections remains difficult to assess due to the government's tight control over information. The lack of transparency, data, and statistics presents a significant challenge in evaluating the extent of Turkmenistan's openness to refugees, as the government maintains strict control over the flow of information.[29]

Despite these challenges, Turkmenistan has taken encouraging steps in 2024 by collaborating with the UNHCR to strengthen cooperation on issues of statelessness and asylum. This cooperation includes initiatives aimed at improving refugee protection mechanisms and addressing the needs of stateless individuals, highlighting the potential for further development of its asylum system. [30] Moreover, international organisations like the IOM have played an important role in supporting



Training session for judges on nationality and statelessness cases organized by UNHCR in Ashgabat, Turkmenistan. Source: UNHCR 2024.

Afghan nationals living in Turkmenistan, especially women and girls, to ensure long-term sustainable development at the local level. [31] The IOM's work, in collaboration with the Turkmen government, demonstrates a positive approach toward integrating refugees into local communities and ensuring their access to essential services.

However, despite these promising developments, Turkmenistan's restrictive environment and lack of comprehensive data make it difficult to fully assess the country's treatment of refugees. Greater transparency and more robust legal and institutional reforms are needed to ensure that Turkmenistan's commitments to its international obligations translate into tangible benefits for refugees and asylum-seekers, especially those fleeing from conflict zones like Afghanistan. Strengthening these frameworks and improving the availability of reliable data will be crucial in monitoring Turkmenistan's progress and ensuring that its legal commitments are effectively implemented.

Conclusion

The Afghan refugee crisis has posed significant challenges for the Central Asian countries—Tajikistan, Uzbekistan, and Turkmenistan. While each nation has made varying degrees of progress toward fulfilling its international obligations, major gaps remain in ensuring adequate protection for refugees.

To move forward, these Central Asian countries must address the inconsistencies in their policies and legal frameworks by enhancing transparency, ratifying international treaties where absent, and implementing more robust domestic laws in line with international standards. International organisations must continue to play a critical role in filling gaps where national policies fall short, advocating for refugee rights, and supporting local communities. Only through such coordinated efforts can the region hope to meet its international obligations and provide meaningful protection for the Afghan refugees and asylum-seekers who rely on these countries for safety and survival.

Recommendations

- Uzbekistan should prioritise ratifying the 1951 Refugee Convention and its 1967 Protocol. Ratification would signify a crucial step toward ensuring that refugees in Uzbekistan receive the protections they are entitled to under global standards. Additionally, ratification would enable Uzbekistan to cooperate more effectively with international organisations, such as the UNHCR, to address the needs of displaced individuals and streamline the asylum process.

- The Tajik government should amend laws like Resolution No. 325, which restricts refugees from living in larger cities, limiting their access to jobs and healthcare. Additionally, Tajikistan must halt forced deportations and better enforce its existing refugee laws, ensuring fair treatment and access to services for Afghan refugees. By working with international organisations, Tajikistan can enhance economic opportunities and support for refugees in vulnerable areas.
- Government of Turkmenistan should improve data collection and ensure that the 2017 Law on Refugees is applied fairly and efficiently. It must develop transparent and efficient asylum systems that provide fair and timely determinations of refugee status. By strengthening cooperation with international organisations like the UNHCR and IOM, Turkmenistan can enhance support services for Afghan refugees and promote their integration into local communities, especially through programs focusing on education, healthcare, and employment.

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