RUSSIAN COLONIALISM AND ITS IMPACT ON GENDER AND SEXUALITY IN EASTERN EUROPE, CENTRAL ASIA, AND THE CAUCASUS (EECAC)

Submission to the UN Independent Expert on Sexual Orientation and Gender Identity

in response to the Call for Inputs for the Report on colonialism and sexual orientation and gender identity

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# Summary

Colonialism is not a matter of the past, and this is not only because today’s inequalities are a repercussion of colonial oppression. In 2023, a major colonial war is being waged upon Ukraine by Russia, affecting the region and the whole world.

Gender and sexual diversity in Eastern Europe, Central Asia, and the Caucasus (EECAC) has been affected by Russian and Soviet colonialism for centuries through violence and restrictive laws. Russia’s current war in Ukraine has a major impact on LGBTIQ communities in Ukraine and throughout the region. At the same time, Russia disguises its aggressive colonial politics with a twisted “anti-colonial” argument and reinforces the global anti-gender movement that jeopardises the safety of LGBTIQ communities worldwide.

TGEU’s input will focus on these two aspects of the connection between SOGIESC and colonialism.

# Recommendations

In light of the information presented above, TGEU urge the Independent Expert on Sexual Orientation and Gender Identity to:

* Explicitly include the Caucasus, Eastern Europe, Northern and Central Asia in all discussions of anti-colonial and post-colonial justice.
* Support human rights defenders, activists, researchers, and artists in and from these regions who work at the intersection of LGBTIQ rights and anti-colonialism, offer them platforms and protection, and amplify their voices.
* Highlight the manipulation and abuse of anti-colonial language and discourse attempted by anti-gender actors, in particular when associated with Russia.
* Call on international institutions to use diplomatic and other political channels to remove “anti-LGBTIQ propaganda” and “sodomy” laws across the region.

# Russian colonialism: An overview

The countries of Eastern Europe, Central Asia, and the Caucasus are not traditionally thought of as postcolonial. However, a growing body of research analyses Russia – the region’s major power – as a colonial Empire.[[1]](#footnote-1) Eastern Europe, the Caucasus, Northern and Central Asia have been and still are under its colonial influence, extending to gender and sexuality, among many other areas.

Historically, Russian colonialism dates back at least to the early 18th century.[[2]](#footnote-2) Over the following centuries, the Russian Empire led several wars to conquer parts of Eastern Europe, the Caucasus, Siberia (Northern Asia), and Central Asia. Historians have documented the military colonial violence Russia inflicted upon these regions, including mass killings, sexual violence, destruction of settlements, and economic exploitation.[[3]](#footnote-3) Despite its formal claims to antiracism and anticolonialism, the Soviet state continued many colonial policies of the previous Russian Empire, such as drawing arbitrary geographical boundaries, coercive assimilation, deportation, and genocide.[[4]](#footnote-4)

Post-Soviet Russia has waged several (neo)colonial wars — sometimes in the form of proxy wars — in Chechnya, Georgia (South Ossetia, Abkhazia), Moldova (Transnistria), and Ukraine.[[5]](#footnote-5) Unlike Western colonial states, it still pursues active colonial politics. In terms of military violence, this is currently manifested through the full-scale war against Ukraine.

At the same time, Russia still exercises political and cultural domination over the whole region in formal and informal ways. As a result, the anti-gender and anti-human rights laws and narratives set forth by Russia are disseminated and reproduced throughout the region, and LGBTIQ communities are among the most vulnerable populations affected by this.

# Impact of Russian colonialism on gender and sexuality

Historically, Russia created an Orientalist discourse on gender in the Caucasus and in Central Asia: it constructed men in the colonies as violent and women as passive victims in need of protection, enlightenment and emancipation. The Orientalist idea of an ultra-patriarchal system in the colonies was then used to justify Russian colonial violence.[[6]](#footnote-6)

## Soviet anti-LGBTIQ legacies

The Soviet criminal law on “sodomy” was abolished in most post-Soviet countries with the collapse of the USSR. Uzbekistan and Turkmenistan are the only states in the former Soviet Union that still have criminal penalties for consensual sexual relations between adult men.

Those charged under Article 135 on “sodomy” in Turkmenistan have reported torture, psychological and sexual violence, and torturous conditions of detention. In both Turkmenistan and Uzbekistan, the practice of collecting private data on gay, bisexual and trans people is common. Stalking, extortion, humiliation, threats, torture and imprisonment are routinely used and those whose rights have been violated cannot hope for legal protection and justice.[[7]](#footnote-7) In Uzbekistan, Article 120 on “sodomy” has also been used to prosecute civic activists who criticise the authorities or to create unbearable prison conditions for political prisoners.[[8]](#footnote-8)

Turkmenistan updated its Criminal Code in 2023,[[9]](#footnote-9) not only retaining the article on “sodomy” (Article 133) but making it harsher: the article can now be applied to persons from age 14 rather than 16, and the penalty for the same act involving violence has been increased from six to eight years. Uzbekistan is updating its criminal code, yet despite numerous international recommendations on decriminalisation, it is planning to expand the scope of the offence while changing its number (154): whereas “sodomy”, or *besokolbozlik*, now refers to crimes against sexual freedom, in the new draft it covers crimes “against the family, youth, and morality.”[[10]](#footnote-10)

A second discriminatory proposed legal change in Uzbekistan is a ban on “propaganda of unnatural relationships between persons of the same sex” in the draft Information Code. The draft was released for public consultation in December 2022. Human rights activists have noted that the new provisions may lead to violations of freedom of expression and the principle of non-discrimination.[[11]](#footnote-11)

### Restrictions on gender-affirmative healthcare in post-Soviet states

Legislation in the Soviet Union and Russia has influenced legal gender recognition (LGR) procedures in many post-Soviet countries. In several countries, change of surname, first name, and patronymic[[12]](#footnote-12) required a “sex change”, where “sex” was not defined at all or was defined in a short and unclear manner, which resulted in arbitrary procedures. Later, some EECAC countries amended their definition of transition (data up to 2016) by introducing requirements of hormonal and/or surgical interventions (Ukraine, Kazakhstan), long-term psychiatric observation (Ukraine) or hospitalisation (Kazakhstan), individual determination of the type of interventions (Ukraine), and a list of contraindications: being underage, having children, alcohol or drug addiction, anti-social behaviour.[[13]](#footnote-13)

In some countries of the region, LGR still remains unavailable (Azerbaijan) or became so following changes in regulations (Armenia, Kyrgyzstan). In other countries, the arbitrary character of the procedure, complex requirements, and contraindications force trans people to go to court or undergo unnecessary medical interventions imposed by registry staff or medical specialists.

Activists try to use international guidelines and practices and file shadow reports to obtain international recommendations for their countries to advocate for better national-level LGR procedures. A postcolonial dynamic plays an important role in access to LGR in EECAC as in other aspects of trans rights.[[14]](#footnote-14) It is probable that EECAC countries would have established their LGR procedures as soon as they were ready and able to build on international recommendations and standards if they had not borrowed from Soviet and Russian models.

## Chechnya: anti-gay, anti-trans violence as a result of colonialism

In 2017, a massive campaign of anti-LGBTIQ violence was carried out in Chechnya, with abductions, detention, and torture predominantly of men presumed to be gay. The campaign was ordered by Chechen authorities and law enforcement officials participated in it, even as more violence was inflicted upon LGBTIQ people by their family members. Over 100 men were reported to have been detained and tortured and at least three murdered in extrajudicial killings.[[15]](#footnote-15) Council of Europe rapporteur Fourat ben Chikha described the attacks as “the single most egregious example of violence against LGBTI people in Europe that has occurred in decades”.[[16]](#footnote-16) Another similar “gay purge” happened in 2018-2019, with at least 40 people of various genders detained and 2 killed.[[17]](#footnote-17)

Chechnya suffered two (neo)colonial wars by Russia: in 1994–1996 and in 1999–2009. The regime of Ramzan Kadyrov that was established after the Second Chechen war is known for systematically violating human rights, promoting neoconservatism and religious fundamentalism. The brutal attacks against LGBTIQ people were sanctioned by this very regime and Russian federal authorities did not intervene. Chechnya’s political subordination to Russia relies upon Kadyrov’s rule of terror in the republic, and the brutal attacks against LGBTIQ people are one of the ways in which this rule of terror is exercised.[[18]](#footnote-18)

## Anti-LGBTIQ laws in Eastern Europe, Central Asia and Caucasus

### “Propaganda” laws

In 2013, Russia introduced a federal law banning so-called “gay propaganda” among minors.[[19]](#footnote-19) In 2022, it extended the ban to audiences of all ages and additionally banned educating children about gender identity (“information that may encourage sex change”).. The law links LGBTIQ people to paedophiles through repeated joint mentions. Citizens, officials, and legal entities are punished by imposition of fines for violating the ban. Additionally, the activities of legal entities are suspended and offending websites are blocked.

Copycat laws have been proposed throughout the region, e.g. in Moldova,[[20]](#footnote-20) Ukraine,[[21]](#footnote-21) Armenia, Belarus, Kazakhstan, and Kyrgyzstan.[[22]](#footnote-22) So far, Belarus is the only country that adopted a variation of the Russian law in 2016. Kyrgyzstan initiated a copy of the Russian law twice. In 2014, a draft law proposed criminal and administrative penalties for spreading information on LGBTIQ people. In 2023, two amendments were proposed at once. In March, amendments to the law on the protection of children from information that promotes non-traditional sexual relationships were initiated;[[23]](#footnote-23) in May, amendments to the media law were proposed to include a ban on promoting same-sex marriage.[[24]](#footnote-24) Throughout the region, debates around “propaganda” laws make ample use of anti-gender language, contrasting “traditional values” with “alien Western values” (see below).

### “Foreign agents” laws

Another law that has been actively copied and used in post-Soviet countries is the so-called foreign agents law. In Russia, the first law on foreign agents was adopted in 2012 and dealt only with registered organisations. Subsequent amendments in 2022 made the law applicable to the media, unregistered groups, and individuals.[[25]](#footnote-25) The law expands the definition of a foreign agent to the extent that any person or entity expressing opinions on Russian politics or officials can be designated as a foreign agent due to alleged “foreign influence.”[[26]](#footnote-26) The law effectively excludes “foreign agents” from key aspects of public life.

In May 2023, Kyrgyzstan put up a law on foreign agents for public consultation.[[27]](#footnote-27) Just as in Russia, the law uses language on controlling organisations that “spread Western politics” and “corrupt young people through the Internet.” Kazakhstan has approved the collection and publication of a register of persons financed by foreign governments since 2018[[28]](#footnote-28). Discussions on the introduction of a draft law on foreign agents by parliamentarians took place in Armenia,[[29]](#footnote-29) Belarus,[[30]](#footnote-30) Tajikistan,[[31]](#footnote-31) while Georgia withdrew the foreign agents law after massive social protests.

## Anti-gender narratives and abuses of anti-colonial language

While Russia carries out aggressive colonial politics, it attempts to appropriate anti-colonial language to justify it. Russian officials and public spokespeople use the fact that Russia has historically had a secondary status to the major colonial states of the West economically and culturally, to deflect attention from Russia’s past and current colonial violence. In his public speeches, Putin condemns “Western colonialism” and even attempts to construct Russia as a “global anti-colonial leader” to build alliances with countries of the Global South.[[32]](#footnote-32)

The global anti-gender movement, which is supported by several key Russian politicians and oligarchs, also similarly uses anti-colonial language by framing human rights-based and inclusive understandings of gender and diversity as a neo-colonial project of the UN and Western bodies.[[33]](#footnote-33) In countries like Hungary and Poland as well as in the Balkans, “Western (neo)colonialism” is used by anti-gender actors to reject recognition and equality for trans people.[[34]](#footnote-34) Anti-gender and specifically anti-trans language is also used systematically by Russian public officials in connection with supposed “Western colonialism”.[[35]](#footnote-35)

## Russia’s ongoing colonial war against Ukraine

Russia’s current full-scale war against Ukraine fits the definition of a colonial warprecisely: Russia commits mass killings, rape, deportations, and destruction of civilian settlements and infrastructure with a view to deny Ukrainian language, culture and nationhood.[[36]](#footnote-36) Moreover, Russia disproportionately uses conscripts from indigenous ethnic minorities (notably Buryats and Tyvans) to serve as a “vanguard of Russian colonialism”.[[37]](#footnote-37)

As a particularly vulnerable group, LGBTIQ people in Ukraine have suffered disproportionately from the war. For many trans people, evacuation to safer areas or abroad was impeded or impossible due to IDs not matching their appearance. For the same reason, they faced difficulties in accessing humanitarian aid and shelters. Logistical disruptions resulted in lack of access to healthcare, hormones and other medication.[[38]](#footnote-38) In the territories occupied by Russia, whereas all of the population lived in a state of terror, trans people were particularly affected. Russian soldiers routinely subjected local civilians to random checks, which included forcible stripping and searching for “nationalist” tattoos. Many trans people did not leave their homes for months due to the risk of being stripped and subjected to violence and torture at blockposts.[[39]](#footnote-39)

Throughout the region, the trans and LGBIQ activists contacted by TGEU have reported increased poverty with rocketing prices for basic necessities and housing. This has been exacerbated by an influx of migrants from Russia seeking to escape mobilisation to the army. As a result, trans and LGBIQ people in South Caucasus and Central Asia now find themselves at a greater risk of poverty and homelessness.

The breakout of a major colonial genocidal war in the region also negatively affects political and cultural stability and safety. In the Balkans, trans and LGBIQ activists have reported a rise in nationalism, militarism, and local ethnic tensions. In connection to increasing nationalism, our members report that the anti-gender movement is growing in strength.

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4. Ibid., p. 114, 136, 146. [↑](#footnote-ref-4)
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8. https://novayagazeta.ru/articles/2021/06/19/rudiment-imeni-stalina-18 [↑](#footnote-ref-8)
9. https://minjust.gov.tm/ru/hukuk/merkezi/hukuk/204 [↑](#footnote-ref-9)
10. https://www.hrw.org/news/2021/03/10/uzbekistan-draft-criminal-code-offers-little-meaningful-reform [↑](#footnote-ref-10)
11. https://www.hrw.org/news/2022/12/23/uzbekistan-bill-threatens-freedom-expression-media [↑](#footnote-ref-11)
12. A name derived from the name of a male ancestor. A name formation that has Slavic suffixes. [↑](#footnote-ref-12)
13. Kirey-Sitnikova. 2023. The changing landscape of legal gender recognition in the post-Soviet region. [↑](#footnote-ref-13)
14. [Yana Kirey-Sitnikova, ‘Borrowing and Imitation in Post-Soviet Trans Activisms’, in The SAGE Handbook of Global Sexualities, by Zowie Davy et al. (London: SAGE, 2020), 774–97, https://doi.org/10.4135/9781529714364.n36.](https://www.zotero.org/google-docs/?zE4yf8) [↑](#footnote-ref-14)
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28. https://online.zakon.kz/Document/?doc\_id=36240763&pos=5;-60#pos=5;-60 [↑](#footnote-ref-28)
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