



NATIONAL REPORT

ON VIOLATIONS OF THE RIGHTS
OF LGBT PEOPLE AND MSM
IN UZBEKISTAN



2023







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ACRONYMS AND ABBREVIATIONS

CC Criminal Code

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

EECA Eastern Europe and Central Asia

Global Fund Global Fund to Fight AIDS, Tuberculosis and Malaria

HIV Human immunodeficiency virus

LGBT Lesbian, gay, bisexual and trans people

MDIA Main Department of Internal Affairs

MIA Ministry of Internal Affairs

MSM Men who have sex with men

NGO Non-governmental organization

PLH People living with HIV

RUz Republic of Uzbekistan

SOGI Sexual orientation and gender identity

STI Sexually transmitted infections

METHODOLOGY FOR COLLECTING CASES OF RIGHTS VIOLATIONS

This report was compiled based on the Protocol of the national report on violations of the rights of gay men, other MSM and trans people, in particular the right to health. The national report is based on systematized information on cases of violations of the right to health (cases documented during the year) in Uzbekistan, collected using tools provided by ECOM and partner initiatives, as well as a brief analysis of the legal environment.

Goal of collecting information: identify cases of human rights violations, in particular the right to health among LGBT people and other MSM.

The following research methods were used as part of monitoring:

- 1 Personal interviews — personal meetings with victims and/or witnesses of human rights violations;
- 2 Surveys — in order to identify witnesses and/or victims from the LGBT+ community;
- 3 Online interviews — online survey of victims, for those who were not comfortable meeting in person due to fears of disclosure of their identity, mistrust, and/or forced relocation to other countries due to rights violations and persecution, both from government agencies and from civil society. Secret chats and/or audio calls on Messenger or Telegram were used to conduct online interviews;
- 4 Desk research on national legislation, the regulatory framework, media publications, and on publications of bloggers and religious figures;
- 5 Documentation of cases using the REAct system, followed by an analysis of documented cases.

Monitoring human rights violations and collecting cases was carried out with the participation of:

- 1 LGBT communities (documenters, volunteers involved in the project and providing support for its implementation, social circles of volunteers, participants on social networks and their social circle);
- 2 Representatives of friendly media;
- 3 Human rights groups, feminist organizations working for women's rights, which operate more openly with in Uzbekistan and partner with LGBT+ human rights organizations in Uzbekistan;
- 4 Friendly specialists, including staff of AIDS centers in Uzbekistan.

DISSEMINATION OF INFORMATION ABOUT MONITORING

Monitoring in the regions of Uzbekistan was carried out using the “snowball” method with the involvement of previously victimized LGBT people who disseminated information about monitoring. Friendly specialists were also invited. Data from friendly human rights initiatives were analyzed and used in the search, and with subsequent provision of support and recording of violations of the rights of LGBT people based on their SOGI.

PROTECTION OF PERSONAL DATA (*ensuring confidentiality*)

During monitoring, the principles of confidentiality and security of the data of victims and/or witnesses were strictly observed. Respondents were not required to provide personal or passport data or information that could reveal their identity, such as telephone numbers or links to social media.

Respondents were allowed to choose a pseudonym for comfortable communication, and ethical standards of behavior were observed in interviews. Pointed questions were prohibited, and respondents could stop the interview at any time, and choose to continue later if necessary.

The information received was entered into an electronic document using a VPN service and transferred to the REact system via a browser in incognito mode. All electronic data created using text documents was stored and/or destroyed using McAfee for secure operation and the destruction of sensitive documents.

When it was necessary to disclose respondents' identities in order to contact UN authorities, to sign contracts, and in other cases requiring the provision of passport data, victims received an explanation of the need for such a procedure and were told who would have access to the data and where it would be used. If the respondent agreed, the data was transmitted in electronic format through a closed channel by mail.

When necessary, data obtained was stored on secure Google drives with two-factor authentication or destroyed by shredder programs after use (minimum cleaning - 5 times). All steps have been taken to ensure maximum confidentiality and security of respondents' data.

As a result of the analysis, the main causes of rights violations and discrimination were identified, and quantitative data was also obtained and systematized. Based on this data, conclusions and recommendations were developed.

NATIONAL LEGISLATION IN THE FIELD OF HEALTH

Article 48¹ of the Constitution of the Republic of Uzbekistan guarantees the right to health and qualified medical care, but the document does not explicitly prohibit direct or indirect discrimination based on health status. Similarly, the Labor Code² does not prohibit direct or indirect discrimination based on health status, although it does contain a prohibition on discrimination based on «other circumstances not related to the professional qualities of employees and the results of their work». The Law «on the protection of the health of citizens»³ includes 47 articles ensuring respect for human rights in the healthcare sector. This law guarantees the availability of medical care for all social groups, declares the priority of prevention measures, provides social protection in the event of loss of health, and emphasizes the unity of medical science and practice. The State provides citizens with protection from discrimination (Article 13), regardless of whether they have any type of disease. Currently, the Ministry of Health of Uzbekistan is in the process of developing a new draft Health Code.

NON-DISCRIMINATION LEGISLATION

There is no separate anti-discrimination law in Uzbekistan, although certain rules aimed at preventing discrimination exist in separate laws. However, they do not include SOGI as protected characteristics.

The Constitution of Uzbekistan does not directly mention the prohibition of discrimination, but the law guarantees equality. Thus, according to Article 19⁴ «in the Republic of Uzbekistan, all citizens have the same rights and freedoms and are equal before the law, regardless of gender, race, nationality, language, religion, beliefs, social origin, or social status». The country lacks the necessary legislation to prevent hate crimes, hate speech, and discrimination.

LEGISLATION ON COMBATTING HIV

The Law «on counteracting the spread of disease caused by the human immunodeficiency virus (HIV infection)»⁵ is currently the main legal act that regulates the HIV testing procedure and its conception.

¹ Constitution of the Republic of Uzbekistan. – URL: <https://lex.uz/docs/6445147#6446655>

² Labor Code of the Republic of Uzbekistan. – URL: <https://lex.uz/ru/docs/6257291>

³ Law of the Republic of Uzbekistan «on the protection of the health of citizens». – URL: <https://lex.uz/docs/41329>

⁴ Constitution of the Republic of Uzbekistan. – URL: <https://lex.uz/docs/6445147#6445319>

⁵ Law of the Republic of Uzbekistan «on counteracting the spread of disease caused by the human immunodeficiency virus». – URL: <https://lex.uz/docs/2240472>

The law establishes that HIV testing can be carried out in all treatment and prevention institutions in accordance with the norms and rules established by the Ministry of Health of the Republic of Uzbekistan, in a voluntary, mandatory or forced manner. The law allows forced medical examination for HIV without the consent of the person or their legal representative by order of an inquirer, investigator, or prosecutor or at the behest of the courts.

CRIMINALIZATION OF HIV TRANSMISSION, DISCRIMINATORY LEGISLATION

Article 113 of the CC RUz establishes criminal liability not only for the transmission of HIV, but also for «knowingly placing a person in danger of infection», which is punishable by imprisonment from five to eight years.

According to the Order of the Minister of Health of the RUz 54-n of April 5, 2019, health authorities are required to report cases of sexual transmission of HIV to law enforcement agencies in order to subsequently bring the person to justice under Article 113 of the CC RUz. The order provides for the following: if HIV infection is detected, a conversation is held and the route of transmission is determined. Then the medical worker checks whether the sexual partner of the HIV-positive person is in the electronic database, after which the information is transmitted in writing to the internal affairs authorities to take legal measures against the person who has put the other person at risk of infection.

In Uzbekistan, there is direct discrimination against people living with HIV. They are obliged to disclose information about their sexual partners to government authorities in accordance with Article 57 of the Code of Administrative Offenses⁶, which prohibits a person from concealing the source of HIV infection. In addition, there is a list of the types of professional activities from which PLH are barred⁷. The updated list includes 9 types of professional activities prohibited to persons infected with HIV.

LEGAL RECOGNITION OF GENDER

The possibility of changing one's gender marker is regulated by the Resolution of the Cabinet of Ministers of the RUz «on approval of the rules for registering acts of civil status»⁸. Paragraph 149 states that changes, corrections and additions to civil status records are made upon «change of gender». However, legislation does not regulate the concept of «change of gender» and the requirements for trans people to change their gender marker may vary.

⁶ Code of Administrative Offenses of the Republic of Uzbekistan. — URL: <https://lex.uz/docs/97661>

⁷ Order of the Minister of Health of the Republic of Uzbekistan «on approval of the list of types of professional activities prohibited for persons infected with the human immunodeficiency virus» of 7.05.2014 № 2581. — URL: <https://lex.uz/docs/2384574>

⁸ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan «on approval of the rules for registering acts of civil status». — URL: <https://lex.uz/docs/3064983>

Article 229 of the Family Code⁹ of the Republic of Uzbekistan defines this as «making corrections following a change of gender, only in accordance with the conclusion of health authorities».

Currently, the diagnosis and treatment of diagnosis F64.0 «Gender Identity Disorders» (ICD-10) is carried out in Uzbekistan based on the protocol «Treatment of Mental and Behavioral Disorders». There is currently no developed and legally established protocol for changing one's gender marker in official documents in Uzbekistan. In order to change an entry in documents, it is necessary to go through a lengthy process, including differential diagnosis with mandatory observation at a psycho-neurological institution, after which a final decision on the diagnosis is made by an advisory board. Only then can the person begin hormone therapy. It should be noted that taking hormone therapy before receiving a diagnosis and living as a trans person for at least 2 years can also serve as the basis for diagnosis. After an officially established diagnosis, a doctor has the right to issue a certificate of gender reassignment and hormone therapy, based on which the trans person can change the gender marker in their documents.

⁹ Family Code of the Republic of Uzbekistan. – URL: <https://lex.uz/docs/104723#162128>

DESCRIPTIVE REPORT ON CASES

CASE 1

1.1. CASE DESCRIPTION

A., a young, homosexual man, 23 years old, was charged in 2023 under Article 120 of the CC RUz. After a fake date, the young man was taken to the department of the internal affairs agency, where, under duress, he was forced to disclose his SOGI and information about other homosexual people that he knows. During the investigation, the victim was subjected to torture in the form of an anal examination. The case was brought to court; the court sentenced the victim to 1.5 years of suspended imprisonment (house arrest) with restrictions on the use of the Internet.

1.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

1.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «No one may be subjected to torture, violence, or other inhuman or degrading treatment»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 235: «Use of torture».

1.4. CONSEQUENCES FOR THE VICTIM

Physical, material, moral damage. Restriction of freedom.

1.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal, financial, and psychological support.

CASE 2

2.1. CASE DESCRIPTION

In 2023, a trans girl, 22 years old, was detained by law enforcement officers for engaging in sex work. The trans girl was charged under Article 120 of the CC RUz. She was subjected to forced HIV testing, as well as psychological pressure and intimidation by police officers, and was forced to become an informant and provide information about LGBT people in the region. The trans girl was sentenced to 1.5 years of prison in a men's penal colony.

2.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation and gender identity.

2.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- Constitution of the RUz, Article 26: «No one may be subjected to torture, violence, or other inhuman or degrading treatment»;
- CC RUz, Article 141.1: «Privacy»;
- CC RUz, Article 206: «Abuse of power or official authority».

2.4. CONSEQUENCES FOR THE VICTIM

Physical, material, moral damage. Restriction of freedom.

2.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Psychological, legal support. The Court changed the sentence and allowed the victim to serve out the sentence under house arrest with limited social contact.

CASE 3

3.1. CASE DESCRIPTION

A., a young homosexual man, 22 years old, was summoned to the district department of internal affairs at his place of registration. A. went to the appropriate office of the department of internal affairs, where he was summoned. An investigator and several people in uniform were already there, and showed the young man photos, video materials, and social media correspondence with B., who turned out to be a fake law enforcement officer. Following this, they began to insult the victim, and exerted pressure on him, claiming that he was a “faggot” and that he would face big problems for all of this. Then, A. was sent to an interrogation room, where he was tortured (with electric shocks to his leg). They demanded that A. fully cooperate with law enforcement agencies, and reveal everyone he knows in the community to them, in particular people who are involved in assisting and supporting LGBT people in Uzbekistan. As a result, the young man agreed to cooperate, and provided information about other LGBT people. He was forced to continue cooperation with law enforcement officials.

3.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

3.3. НАРУШЕННЫЕ/ОГРАНИЧЕННЫЕ ПРАВА

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 27: «Right to liberty and security of person»;
- Constitution of the RUz, Article 26: «No one may be subjected to torture, violence, or other inhuman or degrading treatment»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one’s honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 235: «Use of torture».

3.4. CONSEQUENCES FOR THE VICTIM

Physical, material, moral damage.

3.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal, psychological support.

CASE 4

4.1. CASE DESCRIPTION

The victims were stopped by National Guard officers who demanded to check their documents. After checking their documents, the officers asked them to present their bags for inspection, and demanded that they unlock their phones. Intimate content was found on one of the phones. The National Guard officers laughed at this, and said that they had caught «faggots» and that they would be punished. The young people were taken to the law enforcement department, where they were interrogated and given a fine for violating public order.

4.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

4.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 27: «Right to liberty and security of person»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 140: «Insults».

4.4. CONSEQUENCES FOR THE VICTIM

Moral and material damage.

4.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Psychological, legal support.

CASE 5

5.1. CASE DESCRIPTION

While walking in a park, the victims hugged each other, and were then approached by law enforcement officials who asked: «Are you drug addicts walking around here and hugging each other?». The officers told the young people that the park is a public place, that they cannot behave like that there, and that only «fag*ots» behave like that. Following this, there was a dispute between the victims and the law enforcement officers. As a result, the officers stated that they would file a report on petty hooliganism against the victims, impose a fine on them, and take them to the police station. The victims gave them the money they had on them, approximately 350 thousand soms¹⁰, after which they were released.

5.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

5.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «Human honor and dignity are inviolable. Nothing may be a basis for their derogation»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 165: «Extortion».

5.4. CONSEQUENCES FOR THE VICTIM

Material and psychological damage.

5.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

¹⁰ Around 30 USD.

CASE 6

6.1. CASE DESCRIPTION

At night, a young man was stopped by law enforcement officers who checked his passport information. After checking his documents and questioning the victim, they demanded that the young man unlock his phone in order to search it for prohibited literature. Personal correspondence with the victim's partner was found on his phone, as well as photographs of homosexual content with the victim in them. As a result, the man was taken to the internal affairs department, where, under duress, blackmail, and threats of prosecution under Article 120 of the CC RUz, they demanded information about other people from the LGBT community. After give up this information, the victim was given a fine for violating public order, and released.

6.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

6.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «Human honor and dignity are inviolable. Nothing may be a basis for their derogation»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 140: «Insults».

6.4. CONSEQUENCES FOR THE VICTIM

Material, psychological damage.

6.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal, psychological support.

CASE 7

7.1. CASE DESCRIPTION

One evening, the victim was stopped by law enforcement officers who checked his documents. One of the law enforcement officers seeing an earring in the young man's ear, asked: «Are you a f*g?» The victim responded «no», and then was told: «It's obvious that you behave like a girl, you walk around like a prostitute, and you're probably looking for a man here». Law enforcement officers said that he needed to behave more modestly since he lives in Uzbekistan, and that if he wants to have sexual relations with men, then he should go to Europe, because there is no place for such people in Uzbekistan. They also told him that they now have his passport data, and will definitely continue to monitor him. Following this, the victim was released.

7.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

7.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «Human honor and dignity are inviolable. Nothing may be a basis for their derogation»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority».

7.4. CONSEQUENCES FOR THE VICTIM

Moral damage.

7.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological assistance.

CASE 8

8.1. CASE DESCRIPTION

A young man was stopped by police officers who verified his identity. After checking his documents, the officers demanded that the detainee's belongings be provided for inspection. Following this, they demanded that the man unlock his phone, on which they found personal intimate content. They then began to threaten the young man with prosecution under a number of criminal provisions, including the storage and distribution of pornographic material. They also told him that if it turns out that he is gay, they will definitely charge him for this as well. The victim was forced to make a deal with the police officers and give them the money he had on him, 1.5 million soms¹¹, and a gold ring, following which he was released.

8.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

8.3. RIGHTS VIOLATED/RESTRICTED

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 165: «Extortion».

8.4. CONSEQUENCES FOR THE VICTIM

Material and moral damage.

8.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

¹¹ Around 120 USD.

CASE 9

9.1. CASE DESCRIPTION

The victim was detained by law enforcement officers after one of his relatives, a law enforcement officer, found out about his sexual orientation. After he was taken to the police department, the young man was beaten by his relative and other law enforcement officers. The young man was told that they would cure him. Then they put him in a cell while threatening and insulting him. The next day, he was again taken to his relative's office, where they continued to threaten and blackmail him. The young man was told that there was no place for people like him in Uzbekistan, that this was a crime, and that he was exposing his relatives, since he would either need to be killed or go to jail. The young man was forced to agree to all conditions, after which he was taken home.

9.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

9.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «No one may be subjected to torture, violence, or other inhuman or degrading treatment»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- Constitution of the RUz, Article 27: «Right to liberty and security of person»;
- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity».

9.4. CONSEQUENCES FOR THE VICTIM

Physical, material and moral damage.

9.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

10.1. CASE DESCRIPTION

A., a young bisexual man, 20 years old, met with man B. After meeting in person, B. invited A. to his home. A. went to B.'s house, where a group of three people were there drinking. A. wanted to leave, but B. stopped him and told him not to worry and that no one would hurt him. A. decided to stay and joined the group. After some time, they began to sexually assault A., stroked him, touched his genitals, and forced him to sexual perform acts. A. wanted to leave the premises, but was stopped by the group of people. They undressed him and tore off his clothes. A. was then raped by the group of men, after which they took photographs of him and began to threaten that if the young man filed a complaint, they would distribute the photos on the Internet and in the city, and say that he was the one that asked to have sexual contact with them, which would cause problems for him.

10.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

10.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- CC RUz, Article 118: «Rape».

10.4. CONSEQUENCES FOR THE VICTIM

Physical, material, moral damage.

10.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

CASE 11

11.1. CASE DESCRIPTION

A., a young homosexual man, 20 years old, met two men on social media who were on vacation in one of the mountain resorts. During their conversation, the men invited the young man to join them for a joint holiday, and the young man stated that he was not looking for any intimate contact at all, to which the men agreed. After he arrived at the men's place, the three of them drank, after which the men began to show intimate interest in him, but the young man once again refused to have sexual intercourse with them. Then, the men forcibly undressed the young man, and raped him. They also beat him. After the young man was released by them, he told them that he would contact law enforcement agencies, but they showed him their law enforcement IDs and said that if he tried to do something, they would find a pretext to put him in prison

11.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

11.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- CC RUz, Article 118: «Rape»;
- CC RUz, Article 105: «Intentional infliction of harm to health of moderate severity».

11.4. CONSEQUENCES FOR THE VICTIM

Physical, material, moral damage.

11.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal, psychological support.

CASE 12

12.1. CASE DESCRIPTION

A young gay man, 18 years old, was raped by a member of his family (after the relative caught him watching gay content), and over the course of two months, continued to be subjected to violence, blackmail, and threats of disclosure of his sexual orientation to his family, neighbors, and law enforcement. This continued until his relative left the area.

12.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

12.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated

● CC RUz, Article 118: «Rape».

12.4. CONSEQUENCES FOR THE VICTIM

Physical and moral damage.

12.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

CASE 13

13.1. CASE DESCRIPTION

The victim was called up for an alternative form of compulsory military service for a period of 1 month. During his military service, his colleagues discovered the young man's sexual orientation, and subjected him to physical violence, threats, and blackmail. Information about his sexual orientation was shared throughout the army unit. The young man was subjected to mental duress every day. After filing a complaint with the command of the unit, the young man was invited to discuss the issue, during which the assistant chief of the unit threatened and blackmailed the young man, and advised him to stay quiet until the end of his service, otherwise he would face many problems that would ruin his life.

13.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

13.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 141: «Violation of privacy».

13.4. CONSEQUENCES FOR THE VICTIM

Physical and moral damage.

13.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

CASE 14

14.1. CASE DESCRIPTION

A trans girl sex worker, 23 years old, agreed to meet a man who expressed interest in her services at her apartment. As soon as the offender arrived and rang the victim's doorbell, she opened the door and saw that six more people were standing with the man. Over the course of several hours, they subjected the trans girl to violence, insulted her, and demanded she apologize on camera for «disgracing the nation». They shaved her head, beat her face, and told her that if they find out that she is continuing to engage in sex work as a woman, they would cut off all her «unnecessary» organs and make her a «real woman».

14.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation and gender identity.

14.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 105: «Intentional infliction of harm to health of moderate severity»;
- CC RUz, Article 112: «Threat of death or violence».

14.4. CONSEQUENCES FOR THE VICTIM

Physical, material and moral damage.

14.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Referral to friendly specialists for legal, psychological, and financial support.

CASE 15

15.1. CASE DESCRIPTION

A., a young MSM, 26 years old, met young man B., 22 years old, through social media. During their correspondence, B. invited A. to take a walk in the evening. A. agreed and went to the place agreed upon, where four young men aged 20-25 approached him and began to shout at him, insult him, and push him; one of them hit A. Following this, the young men showed the victim his correspondence with B., and began to threaten that they would disseminate the messages, and then take him to law enforcement and file a statement against him. As a result, A. asked to be released, and promised that he would no longer meet guys. The offenders demanded that he give them all of his valuables (Samsung A54 phone and wallet with money), and released him.

15.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

15.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 105: «Intentional infliction of harm to health of moderate severity»;
- CC RUz, Article 112: «Threat of death or violence»;
- CC RUz, Article 165: «Extortion».

15.4. CONSEQUENCES FOR THE VICTIM

Physical, material and psychological damage.

15.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

CASE 16

16.1. CASE DESCRIPTION

A homosexual young man, 19 years old, and a young bisexual man, 20 years old, were attacked by a group of people because of their appearance and manner of communication. They suffered physical harm, during which the young men were repeatedly insulted, and subjected to hate speech based on their sexual orientation. They were also threatened with death. After the assault stopped, the victims went to law enforcement, where they explained the situation. In response, they were told that it was their own fault that they were assaulted, and that they needed to change and everything would work out for them. Their statement was refused.

16.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation and gender expression.

16.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «Human honor and dignity are inviolable. Nothing may be a basis for their derogation»;
- Constitution of the RUz, Article 55: «Right to judicial protection of one's rights and freedoms, right to appeal to the courts illegal decisions, actions and inactions of state bodies and other organizations, and their officials»;
- CC RUz, Article 105: «Intentional infliction of harm to health of moderate severity».

16.4. CONSEQUENCES FOR THE VICTIM

Physical, material, moral damage.

16.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal, medical, and psychological support.

17.1. CASE DESCRIPTION

A., a young gay man, 20 years old, and B., a young bisexual man, 19 years old, were walking around the city in the evening and were beaten by a group of unknown persons because of their appearance. The attackers said that the young men dressed differently, had disgraced their city with their appearance, and that they must now answer for it. After the assault, the young people went to law enforcement together with their parents, but the officers refused to accept their statement, stating that they were to blame for the violence against them. The parents were advised to monitor their children and not disgrace the traditional values of the country.

17.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

17.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «Right to honor and dignity»;
- Constitution of the RUz, Article 55: «Right to judicial protection of one's rights and freedoms, right to appeal to the courts illegal decisions, actions and inactions of state bodies and other organizations, and their officials»;
- CC RUz, Article 105: «Intentional infliction of harm to health of moderate severity»;
- CC RUz, Article 140: «Insults»;
- CC RUz, Article 112: «Threat of death or violence»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 116: «Improper performance of professional duties».

17.4. CONSEQUENCES FOR THE VICTIM

Physical, material and moral damage.

17.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

CASE 18

18.1. CASE DESCRIPTION

A., a young gay man, 21 years old, was subjected to disciplinary action from the dean's office after a report was written against him by other students. They stated that they believed him to be gay, are disgusted by his behavior, and believe that he should be expelled from the educational institution, as he discredits the honor of the institution. After the incident, the victim was summoned to the dean's office by the vice-rector for academic affairs, where the young man was threatened with expulsion from the educational institution if what was written in the report was confirmed. According to the vice-rector for academic affairs, the young man was causing harm to future generations with his behavior.

18.2. GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

18.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 26: «Right to honor and dignity»;
- Constitution of the RUz, Article 79: «The State shall create conditions for intellectual, creative, physical and moral formation and development of young people, the exercise of their rights to education, health care, housing, recruitment, employment and recreation»;
- CC RUz, Article 116: «Improper performance of professional duties».

18.4. CONSEQUENCES FOR THE VICTIM

Physical and moral damage.

18.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

CASE 19

19.1. CASE DESCRIPTION

A young gay man, 23 years old, worked in a cafe. In 2023, it became known that he was infected with HIV. After registering with the AIDS Center, the information was disclosed to those at the victim's place of residence and to law enforcement agencies. Subsequently, as a result of this disclosure, information about his HIV status was communicated to the management of the cafe, and the victim was fired.

19.2. GROUND ON WHICH DISCRIMINATION OCCURRED

HIV status.

19.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- Constitution of the RUz, Article 42: «Everyone shall have the right to decent work, to free choice of profession and occupation, favorable working conditions that meet the requirements of safety and hygiene, to fair remuneration for work without any discrimination»;
- Law of the Republic of Uzbekistan «on counteracting the spread of disease caused by the human immunodeficiency virus», Article 21: «Termination of an employment contract or refusal to hire is not allowed, with the exception of certain types of professional activities provided for in the [list](#) established by the Ministry of Health of the Republic of Uzbekistan».

19.4. CONSEQUENCES FOR THE VICTIM

Material and moral damage.

19.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

20.1. CASE DESCRIPTION

A., a young man, 23 years old, decided to apply for a job in a government agency (not related to the field of medicine). They asked the young man for a certificate attesting to his HIV-negative status, after which the young man went to the AIDS center for a test, and was diagnosed with HIV infection. As a result of registration at the AIDS center, an epidemiological commission was established, the purpose of which was to identify the cause of infection. At this commission, the infectious disease doctor asked questions of an intimate nature, in order to identify the cause of the young man's infection. The doctor tried to find out the victim's sexual orientation, and to mislead the young man, by stating that there are different methods of treatment for HIV infection based on whether it was transmitted through heterosexual or homosexual contact. In addition, a representative of law enforcement was present at this commission, who pressured the young man to tell him everyone with whom he had sexual contact. He threatened the young man with punishment if he concealed the source of his HIV infection.

20.2. GROUND ON WHICH DISCRIMINATION OCCURRED

HIV status.

20.3. RIGHTS VIOLATED/RESTRICTED

As a result of the circumstances described above, the following norms provided for by legislation were restricted/violated:

- Constitution of the RUz, Article 31: «Right to privacy, personal and family secrets, protection of one's honor and dignity»;
- CC RUz, Article 206: «Abuse of power or official authority»;
- CC RUz, Article 116: «Improper performance of professional duties».

20.4. CONSEQUENCES FOR THE VICTIM

Physical and moral damage.

20.5. MEASURES TAKEN AND THEIR CONSEQUENCES

Referral to a friendly doctor for consultation, legal and psychological support.

CONCLUSIONS AND RECOMMENDATIONS

In 2023, 191 cases of human rights violations based on SOGI were recorded. Cases were recorded in 10 regions of the Republic of Uzbekistan and the Republic of Karakalpakstan.

Number of cases by region:

Tashkent and Tashkent region – 49;

Samarkand and Samarkand region – 23;

Bukhara and Bukhara region – 10;

Namangan and Namangan region – 28;

Jizzakh and Jizzakh region – 22;

Navoi and Navoi region – 45;

Qarshi and Qarshi region – 4;

Andijan and Andijan region – 5;

Fergana and Fergana region – 3;

Urgench and Xorazm region – 1;

City of Nukus – 1.

The total number of victims according to the recorded cases is 209 people, of which 193 are gay men and other MSM (gay men – 136, bisexual men – 50, MSM – 7), 10 trans women, 4 lesbians, and 1 heterosexual man and 1 heterosexual woman who faced a violation of their rights due to their association with the LGBT community and accusations of LGBT propaganda. Most often, violations were committed due to the sexual orientation and/or gender identity of the victims. In addition, cases were recorded in which HIV status and employment in sex work served as the basis for the violation.

The distribution of victims by age is as follows:

16 – 18 years – 37 people;

19 – 22 years – 68 people;

23 – 25 years – 69 people;

26 – 30 years – 19 people;

31 – 35 years – 9 people;

36 – 45 years – 4 people;

Older than 45 – 3 people.

As can be seen, the main age groups subject to human rights violations based on SOGI are those aged 19-22 years and 23-25 years, which may indicate that the main victims of rights violations are people who are not well established economically or socially, and with increased focus on them due to their age. This may also indicate the greater openness and desire of these age groups to defend their violated rights and freedoms, including in relation to SOGI. A total of 223 rights violators were recorded. Violators of rights were either individuals or groups of people. In addition, in many cases, several types of violators were recorded simultaneously.

There were 70 violations of rights based on SOGI by law enforcement agencies, 16 violations of rights based on SOGI by medical institutions and their representatives, 6 violations by those in the education sector and their representatives, 85 violations by private individuals, and 46 violations by other offenders, including hate groups, employers, religious leaders, the media, and bloggers.

The following types of violations committed by private individuals and other offenders¹² were recorded: abusive language – 88 cases; assault motivated by hate – 76 cases; death threats – 24 cases; threats not related to murder – 80 cases; blackmail – 37 cases; intimidation – 21 cases; rape – 11 cases; deliberate outing¹³ – 23 cases; extortion – 12 cases; illegal restriction of freedom – 9 cases; attempts at conversion therapy¹⁴ by relatives – 11 cases; theft - 5 cases; harassment – 3 case. In certain cases, several types of violations were recorded simultaneously: hate speech – 3 cases; illegal dismissals – 6.

As can be seen, the main violations by private individuals are insults, death threats, and assault, which speaks to the complex problem of violations of the rights of the LGBTIQ+ community, including the psychological, physical and material consequences. Separately, it is worth noting the prevalence of hate speech from religious figures, bloggers, and the media, which, in turn, strengthens homophobic sentiments among civil society, and increases the prevalence of hate groups among the radical population, as well as searches for and subsequent reprisals against LGBT people.

The following types of violations committed by government agencies were recorded: charges under Article 120 – 9 cases; torture – 6 cases (5 cases are related to anal examinations carried out during investigations related to charges under Article 120, and 1 case is related to torture using a stun gun on the victim to force him to become an informant for law enforcement agencies); threats from law enforcement agencies were recorded in 72 cases, coercion to cooperate and work for law enforcement agencies – 6 cases, insults – 49 cases; illegal search by law enforcement agencies (personal search without compliance with procedural norms) - 32 cases; extortion of a bribe – 30 cases; refusal to provide assistance – 15 cases (of which 7 cases involve the refusal of law enforcement agencies to provide assistance, 8 – the refusal of health authorities); coercion into sexual activity with law enforcement officials – 3 cases; rape by law enforcement officials – 2 cases; threats by an educational institution – 1 case; threats from the AIDS center – 3 cases; outing and disclosure of information about HIV status by employees of AIDS centers – 5 cases; accusations of LGBT propaganda – 3 cases.

Based on an analysis of violations of the rights of gay men, trans people and other MSM committed by government agencies, it can be seen that violations related to threats/intimidation, insults, illegal searches and, as a consequence of these activities, extortion of a monetary bribe or other items of material value are most common. 9 cases related to charges under Article 120 of the CC RUz should be noted separately, in 5 of which torture in the form of anal examinations to establish the homosexuality of the accused was recorded. Governmental agencies of Uzbekistan continue to assert that the state is ending the practice of applying Article 120 against homosexual men and trans women.

However, during the 4th cycle of the Universal Periodic Review¹⁵ in 2023, in relation to Uzbekistan, it was stated that during 2023, 22 criminal cases were initiated under Article 120, in which 27 biologically male people were involved, which once again demonstrates the lack of acceptance of homosexuality at the state level.

¹² Employers, the media, bloggers, religious figures.

¹³ Intentional disclosure of SOGI to relatives, acquaintances, employers and other persons.

¹⁴ Forced attempt to change sexual orientation and/or gender identity.

¹⁵ URL: <https://webtv.un.org/en/asset/k1m/k1mwmt9ocf>

Taking into account the issues mentioned above, a system of recommendations was developed to strengthen the fight against violations of rights based on sexual orientation and/or gender identity (SOGI). Given the criminalization of voluntary homosexual relations between adult men, and the need to counter homophobic attitudes in society and barriers to accessing services related to violations of rights and freedoms based on sexual orientation and/or gender identity, the following recommendations are aimed at improving activities in these areas:

- 1 Repeal of Article 120 of the CC RUz or the introduction of a moratorium on the application of this article:
 - Amendments to legislation (Article 120 of the CC RUz) in accordance with international standards.
- 2 Protection from discrimination:
 - Introduction of legislation prohibiting discrimination based on SOGI.
- 3 Criminal liability for domestic violence:
 - Expansion of the law on the criminalization of domestic violence and inclusion of SOGI in it.
- 4 Access to assistance:
 - Free medical, legal and psychological assistance from government agencies, taking into account the sexual orientation and gender identity of the beneficiaries of services.
- 5 Social support:
 - Legislation on social protection for victims of domestic violence based on their sexual orientation and/or gender identity.
- 6 Hate crimes:
 - Introduction of the concept of «hate crimes» into the Criminal Code of the RUz, and inclusion of SOGI as grounds for hate crimes.
- 7 Social activities:
 - State measures against domestic violence committed against LGBTIQ+ people.
- 8 Freedom of NGOs and activists:
 - Guarantees of the freedom of activities of NGOs and activists.
- 9 Countering hate speech:
 - Prohibition on the use of discriminatory language.
- 10 International obligations:
 - Implementation of the recommendations of UN committees, including in relation to SOGI, in accordance with the commitments of the Republic of Uzbekistan in the international arena.

