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# LEGISLATIVE ANALYSIS RELATED TO LGBT RIGHTS AND HIV IN UZBEKISTAN

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ECOM

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The information presented in this review may be useful both for non-governmental organizations and community activists and for the government, when planning advocacy processes, promoting the rights of PLHIV, gay men, other MSM, and trans\* people and eliminating the barriers hindering their access to services.

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*Eurasian Coalition  
on Male Health*



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The goal of this review is to identify the legal barriers for people living with HIV, gay men, other men who have sex with men and trans\* people in exercising their rights in different areas. To conduct such review, ECOM developed a methodology and a survey questionnaire, which we filled in with the help of our local partners. When analyzing legal practices, consideration was given both to judicial practices and to the information provided by activists, received from the organizations documenting cases of human rights violations and protection of such rights, news in mass media, and reports of non-governmental organizations submitted to the international agencies.

Both legislation and law enforcement practices were analyzed in terms of their compliance with the international and European standards. Besides, we analyzed the recommendations received by Uzbekistan within the international monitoring mechanisms as well as performance of such recommendations by the government.

To present information on the legislation currently in force, in this review we used extracts from the regulatory documents, which are, unfortunately, not always correct and fail to comply with the international politically correct terminology standards. In this case, the original wording is presented to ensure objective demonstration of the existing regulatory framework and the language used in the matters analyzed. All quotations from the regulatory documents are given in quotation marks.

The information presented in this review may be useful both for non-governmental organizations and community activists and for the government, when planning the advocacy processes, promoting the rights of PLHIV, gay men, other MSM, and trans\* people and eliminating the barriers hindering their access to services.

## ABBREVIATIONS

**AIDS** Acquired Immune Deficiency Syndrome

**ECOM** Eurasian Coalition on Male Health

**HIV** Human Immunodeficiency Virus

**LGBT** Lesbian, Gay, Bisexual, and Trans\* people

**MSM** Men who have sex with men

**PLHIV** People who live with HIV

**SOGI** Sexual orientation and gender identity

**UN** United Nations Organization

**Trans\*** People who have a gender identity or gender expression that differs from their birth assigned sex



## HIV PREVALENCE IN UZBEKISTAN

Uzbekistan is a country with a concentrated HIV epidemic. According to official statistics, as of 1 January, 2018, there were 37,861 registered people living with HIV in Uzbekistan<sup>1</sup>. Cases of HIV are registered in all administrative territories of the republic with the majority in Tashkent and the Tashkent region. The main routes of transmission are sexual (69.5%) and parenteral (19.5%). In 2017, the proportion of men and women living with HIV was nearly equal<sup>2</sup>.

Government agencies report that, in 2017, more than 2,039 MSM from 5 administrative territories of the republic were covered by prevention measures with 151,918 condoms distributed. More than 612 people were tested for HIV using rapid or ELISA tests<sup>3</sup>. However, the existence of criminal liability for voluntary sexual relations between men casts doubt on such information. Statistical data on MSM living with HIV cannot be reliable, as many homosexual people admit that they do not disclose their sexuality for fear of persecution, even when communicating with medical professionals. It is also common that LGBT people know their HIV status, but do not register for fear of the consequences.

There is no data on HIV prevalence among LGBT people. According to semi-official data, HIV prevalence among MSM in 2011 was 0.7%. However, according to an order of the Ministry of Health of the Republic of Uzbekistan from 2012, MSM are not considered as a risk group<sup>4</sup>.

According to UNAIDS data, there has been a continuous increase in the number of new HIV cases each year. In 2017, 4,025 new cases of HIV were registered in Uzbekistan<sup>5</sup>.

<sup>1</sup> [https://www.unaids.org/sites/default/files/country/documents/UZB\\_2018\\_countryreport.pdf](https://www.unaids.org/sites/default/files/country/documents/UZB_2018_countryreport.pdf) Country progress report Uzbekistan, Global AIDS Monitoring 2018

<sup>2</sup> Analysis of the situation regarding the prevention of the spread of HIV/AIDS in the Republic of Uzbekistan. <http://www.afew.org/ru/publications-ru/hiv-uzbekistan-ru/>

<sup>3</sup> Global AIDS Monitoring 2018. — Country progress report Uzbekistan. [https://www.unaids.org/sites/default/files/country/documents/UZB\\_2018\\_countryreport.pdf](https://www.unaids.org/sites/default/files/country/documents/UZB_2018_countryreport.pdf)

<sup>4</sup> Order of the Ministry of Health of the Republic of Uzbekistan of 28 March 2012 80 «On improving HIV prevention measures and organization medical care in the Republic of Uzbekistan».

<sup>5</sup> Global AIDS Monitoring 2018. - Country progress report Uzbekistan. [https://www.unaids.org/sites/default/files/country/documents/UZB\\_2018\\_countryreport.pdf](https://www.unaids.org/sites/default/files/country/documents/UZB_2018_countryreport.pdf)










## DISCRIMINATION AGAINST PEOPLE LIVING WITH HIV IN UZBEKISTAN

The Constitution of the Republic of Uzbekistan does not directly prohibit discrimination on the basis of one's health status. Accordingly, there is no such prohibition in the Labor Code, although it does prohibit discrimination on the basis of «other circumstances not related to the professional qualities of employees or to the results of their work»<sup>6</sup>. However, this is not a direct prohibition on discrimination on the basis of health. At the same time, the law of Uzbekistan «On counteracting the spread of diseases caused by the human immunodeficiency virus (HIV infection)» does not permit the termination of an employment contract, the refusal of employment, or the refusal of admission to educational institutions (except for certain types of educational institutions)<sup>7</sup>. In addition, the law «On the protection of the health of citizens» guarantees citizens protection against discrimination, regardless of whether they have any kind of disease<sup>8</sup>.

In Uzbekistan, there is direct discrimination against people living with HIV. They are required to disclose information about their sexual partners to relevant state institutions in accordance with article 57 of the Administrative Liability Code<sup>9</sup>, which prohibits concealing the source of infection.

According to the law «On counteracting the spread of diseases caused by the human immunodeficiency virus», the following groups of people are required to undergo medical examinations for HIV:

-  Donors of blood and other biological fluids;
-  Persons under the age of 50 who are getting married;
-  Pregnant women;
-  Persons who are suspected of using injecting drugs;
-  Children born to HIV-positive mothers;
-  Medical workers in contact with blood, biological fluids, and human organs and tissues;
-  Persons whose partner contracts HIV<sup>10</sup>.

<sup>6</sup> Labor Code of the Republic of Uzbekistan of 1995. Article 6 «Prohibition of discrimination in labor relations». <http://lex.uz/mobileact/145261>

<sup>7</sup> Article 21, Law «On preventing the spread of diseases caused by the human immunodeficiency virus (HIV infection)» of 22 August, 2013.

<sup>8</sup> Law of the Republic of Uzbekistan «On the protection of the health of citizens», article 13 «Right of citizens to the protection of health» of 29 August, 1996.

<sup>9</sup> Administrative Liability Code of the Republic of Uzbekistan. Article 57 «Concealing the source of infection of sexually transmitted diseases or HIV/AIDS infection» of 24 May, 2010.

<sup>10</sup> Law of the Republic of Uzbekistan «On preventing the spread of diseases caused by the human immunodeficiency virus (HIV-infection)». Article 15 «Mandatory medical testing for HIV» of 23 September, 2013, 3PY-353.

Mandatory HIV testing is applied according to article 16 of the law mentioned above, and is carried out without the consent of the relevant person or his legal representative by order of the official of the body conducting the preliminary investigation, the person leading the inquiry, the investigator, or the prosecutor, or by court order in the manner established by law<sup>11</sup>.

There is a list of types of work that HIV-positive people are prohibited from carrying out. This list includes several types of medical specializations; as well as professions related to the beauty industry, such as hair-dressing, manicures and pedicures, piercings, and tattoos<sup>12</sup>. Since 2014, when the order was adopted, the field of activity for people living with HIV has increased. Prior to this order, PLHIV were prohibited from working in the field of medicine and in the pharmaceutical industry, from providing massages, and from engaging in contact sports<sup>13</sup>.

People under the age of 50 are required to have an HIV test in order to get married. On the basis of article 49 of the Family Code, a marriage may be invalidated if one of the persons entering into the marriage conceals that they have HIV<sup>14</sup>.

Mandatory testing of migrants who were abroad for more than 3 months was introduced in contradiction to the law on preventing the spread of HIV in Uzbekistan<sup>15</sup>. This provision was introduced by a resolution of the Cabinet of Ministers of the Republic of Uzbekistan from 28 April, 2017. In addition, a resolution of the President of the Republic of Uzbekistan was issued on 25 January, 2018 «On measures to further improve the system of counteracting the spread of the disease caused by the human immunodeficiency virus in the Republic of Uzbekistan», which requires HIV counseling and testing for migrants returning to their place of residence, and identifies a list of implementing agencies<sup>16</sup>. This provision also instructs the joint work of physicians, district police officers, and local authorities (mahallas) to ensure that migrants undergo mandatory HIV testing<sup>17</sup>. It should be noted that medical testing must be carried out confidentially in accordance with the principle of medical confidentiality. Involving police officers and neighbors that are mahallas in conducting testing is a violation of the right to health enshrined in the International Covenant on Economic, Social and Cultural Rights, as well as in WHO documents.

A draft resolution of the Cabinet of Ministers of the Republic of Uzbekistan «On approval of the rules for HIV testing» was published on the state portal, [regulations.gov.uz](http://regulations.gov.uz). The document assumes that a migrant, after crossing the state border, arrives home within 1 to 18 hours.

<sup>11</sup> Law of the Republic of Uzbekistan «On preventing the spread of diseases caused by the human immunodeficiency virus (HIV-infection)». Article 16 «Mandatory medical testing for HIV» of 23 September, 2013, 3PY-353.

<sup>12</sup> Order of the Ministry of Health of the Republic of Uzbekistan «On approval of the list of professions prohibited for people infected with the human immunodeficiency virus» registered by the Ministry of Justice of the Republic of Uzbekistan on 7 May, 2014. Registration 2581, 24 April, 2014.

<sup>13</sup> [https://www.norma.uz/novoe\\_v\\_zakonodatelstve/obnovlen\\_perechen\\_professiy\\_zapreshchennyh\\_dlya\\_vich-infirovannyh](https://www.norma.uz/novoe_v_zakonodatelstve/obnovlen_perechen_professiy_zapreshchennyh_dlya_vich-infirovannyh)

<sup>14</sup> Family Code of the Republic of Uzbekistan. Article 49 «Grounds for declaring a marriage invalid» of 6 April, 2007 3PY-84.

<sup>15</sup> In this document, the Tashkent Central Internal Affairs Directorate mentions that mandatory HIV testing was introduced by a decree of the Cabinet of Ministers of 28 April, 2017. <https://iibb.uz/ru/news/voznikli-voprosy-pri-oformlenii-zagranpasporta-obratites-k-sotrudnikam-sluzhby-miog-i-vy-poluchite-otvet-a-v-sotssetjah-vozmozhno-tolko-lajki>

<sup>16</sup> Decree of the President of the Republic of Uzbekistan «On measures to further improve the system of counteracting the spread of disease caused by the human immunodeficiency virus in the Republic of Uzbekistan» ПП-3493 of 25.01.2018.

<sup>17</sup> Ibid

During this time, information about his or her arrival must be provided to the relevant medical institution and police inspector through an electronic system used for instant notification about a potentially dangerous person. In turn, a law enforcement representative transfers the list of migrants who have arrived from abroad to representatives of the mahalla committee, who must send the migrant to a medical institution within 24 hours. If the migrant refuses to be tested, the mahalla informs the police inspector in writing, who is then authorized to deliver the migrant to a medical institution for mandatory testing.

This provision contradicts the law of the Republic of Uzbekistan «On the protection of health», which requires informed voluntary consent in order to conduct medical procedures<sup>18</sup>. This law also refers to the provision of medical care in case of diseases recognized as dangerous to others, such as «alcoholism, drug addiction, and substance abuse», as well certain psychiatric diseases<sup>19</sup>. HIV is not included in this list and is not a socially dangerous disease.

According to activists, prevention counseling for migrants who have been outside of Uzbekistan for more than one month is held in the airport building upon arrival, in the so-called «ISIS control room». According to the Tashkent Central Internal Affairs Directorate, these measures are justified by the fact that authorities cannot be sure that migrants who have spent long periods abroad are not infectious or under the influence of a terrorist organization<sup>20</sup>.



## TRAVEL AND IMMIGRATION BANS FOR PEOPLE LIVING WITH HIV

The legislation of the Republic of Uzbekistan does not restrict the entry to and exit from the country of PLHIV.

Since 2019, the previously existing system of issuing «exit visas» for two years for all citizens of Uzbekistan was canceled, and biometric passports for travel abroad for a period of 10 years were introduced. The list of travel restrictions presented in paragraph 39 of the decree on exit passports does not include any prohibitions based on health status<sup>21</sup>.

<sup>18</sup> Law of the Republic of Uzbekistan «On protection of the health of citizens». Article 26 «Consent to medical intervention» of 15 April, 1999, 772-I.

<sup>19</sup> Law of the Republic of Uzbekistan «On protection of the health of citizens». Article 28 «Provision of medical care without the consent of the citizen» of 15 April, 1999, 772-I.

<sup>20</sup> Article of the Tashkent Central Internal Affairs Directorate of 15.07.2019 <https://iibb.uz/ru/news/voznikli-voprosy-pri-oformlenii-zagranpasporta-obratites-k-sotrudnikam-sluzhby-miog-i-vy-poluchite-otvet-a-v-sotssetjah-vozmozhno-tolko-lajki>

<sup>21</sup> Decree of the President ПП-4079 of 26.12.2018 «On further measures to create a system for filing and issuing a biometric passport for citizens of the Republic of Uzbekistan for travel abroad and the modernization of the biometric passport system of the Republic of Uzbekistan».



Article 28 of the Constitution of the Republic of Uzbekistan<sup>22</sup>, states that every citizen has the right to freedom of movement, but the existing system of permanent registration restricts freedom of movement and choice of place of residence for citizens and stateless people. However, these restrictions are not related to HIV status. Permanent registration in the city of Tashkent and in the Tashkent region is regulated by the same law and is permission-based<sup>23</sup>. In other words, a person cannot freely choose his place of residence if he does not receive permission for this action from the authorities of Uzbekistan.



## CRIMINALIZATION OF HIV TRANSMISSION

Article 113 (paragraph 4) of the Criminal Code establishes liability for the transmission of sexually transmitted diseases or HIV. In particular, the wording of the article reads «knowingly putting at risk of HIV/AIDS infection or infecting with HIV/AIDS» and is punishable by imprisonment from five to eight years<sup>24</sup>.

A necessary condition for prosecution under paragraph 4 of the abovementioned article is knowing about the presence of HIV infection, which puts the victim at risk of infection. In this case, it does not matter whether infection occurred or not. Knowingly putting another person at risk of HIV infection means having sex or engaging in other acts that can expose someone to infection.

Comments to the Criminal Code of the Republic of Uzbekistan indicate that if the victim voluntarily exposes themselves to the risk of contracting a sexually transmitted disease or HIV, this is not grounds for exemption from criminal liability of the person who knows that he had a sexually transmitted disease or HIV and put the victim at risk of infection or infected him. In other words, PLHIV, who have sex with someone who is aware of their positive status are at risk of criminal prosecution under this article, whether or not their partner becomes infected.

Infecting another person with HIV as a result of the non-fulfillment or improper fulfillment of one's professional duties is also addressed in paragraph 5, article 113 of the Criminal Code of the Republic of Uzbekistan. This is punishable by a fine from 100 to 200 times the MCI, (an index used to calculate fines among other things), 360 to 480 hours of mandatory community service, up to two years of correctional labor, from two to five years of restriction of liberty, or by up to five years of imprisonment.

According to the order of the Ministry of Health of the Republic of Uzbekistan 54-n of 5 April, 2019, health authorities are required to report cases of sexual transmission of HIV to law enforcement agencies in order to further prosecute persons under article 113 of the Criminal Code of the Republic of Uzbekistan. This order sets out the following procedure: in case HIV infection is detected, a conversation is held with the relevant person to determine the route of transmission. Then, the health worker checks whether the sexual partner of the infected person is in the electronic database, after which information is transmitted in writing to the relevant internal affairs agencies to take legal measures against the person who was the source of infection.

• <sup>22</sup> Article 28, Constitution of the Republic of Uzbekistan.

• <sup>23</sup> <http://lex.uz/docs/1869807>

• <sup>24</sup> Criminal Code of the Republic of Uzbekistan. Article 113 «Spread of a sexually transmitted disease or HIV infection/AIDS», part 4 «Intentionally putting at risk of infection or infection with HIV/AIDS» of 24 May, 2010 3PY-248.



## PROHIBITION ON BLOOD DONATION BY MSM

There is no direct prohibition on blood donation by MSM. According to article 9 of the law on the donation of blood and its components, blood can be donated by people who have reached the age of 18, only after medical examination. During such examinations, a person who has agreed to become a donor is required to disclose information known to him about previously transmitted and existing diseases<sup>25</sup>. The procedure for medical examination is established by the Ministry of Health and is the same for everyone who wishes to become a donor. At the same time, article 15 of the law on preventing the spread of HIV requires blood donors to be tested for HIV.

Currently, it is known that programs to strengthen the HIV response for 2018<sup>26</sup> and a five-year national program (2018-2022) will be adopted with an approximate amount of funding for therapy and testing of \$50 million<sup>27</sup>, which implies an increase in funding.



## LAWS ON GENDER IDENTITY/EXPRESSION

*(legal change of sex in passport, gender confirmation procedures, etc.)*

The legislation of Uzbekistan does not recognize transgenderism, lacks clear and transparent procedures for gender confirmation, and does not prohibit discrimination against trans\* people. Moreover, there is no definition of gender as such codified in laws.

The possibility of changing one's sex is regulated by article 299 of the Family Code of Uzbekistan and by paragraphs 149-157 of the Rules for the Registration of Acts of Civil Status.

Legislation allows for the change of one's sex based on conclusions made by health authorities. The latter, however, base their conclusions on ICD-10, F 64.0, which requires a differential diagnosis and the exclusion of schizophrenia and chromosomal anomalies. Another condition for making a diagnosis is that the person in question maintained a trans\* identity for at least two years prior to the examination.

According to internal instructions of the Ministry of Health for making a differential diagnosis, inpatient monitoring of the patient is required for a period of at least one month. A certificate with an F 64.0 diagnosis is then issued based on the results of the consideration of a medical commission. The trans\* person in question then brings this certificate to the civil registration authorities where amendments are made to the person's civil registration and passport.

<sup>25</sup> Article 9, Law «On the donation of blood and its components».

<sup>26</sup> <https://www.gazeta.uz/ru/2018/01/25/hiv/>

<sup>27</sup> <https://life4me.plus/ru/news/na-borbu-s-vich-v-uzbekistane-budet-napravleno-50-mln/>

In 2019, the World Health Organization published the eleventh version of the International Classification of Diseases (ICD-11) eliminating F 64 gender identity disorders. Uzbekistan's health authorities are expected to switch to ICD-11 and, accordingly, to remove gender identity disorders from the list of mental diseases. In addition, the government needs to amend the Family Code, provide a definition of the concept of «gender», and develop instructions for employees of state services for working with trans\* people.



## SAME-SEX SEXUAL RELATIONS

Uzbekistan and Turkmenistan remain the only countries in the post-Soviet region where homosexual relations are criminalized. The Soviet legacy of Uzbekistan provides for the restriction or deprivation of liberty of up to three years for voluntary sexual relations between men. Despite the fact that this article is contrary to Uzbekistan's international obligations, the government continues to refuse to decriminalize homosexual relations between men.

It should be noted that Uzbekistan signed all of the main UN conventions: in 1992, the Universal Declaration of Human Rights (1948), in 1996, the International Covenant on Civil and Political Rights (1966), in 1995, the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). All of these conventions emphasize that everyone should have all rights and freedoms regardless of race, color, sex, language, religion, political and other beliefs, national or social origin, and property, birth or other status. Human rights and freedoms are universal, interdependent, and indivisible.

In March 2010, during its review by the UN Human Rights Committee, Uzbekistan was asked about the abolishment of criminal penalties for homosexuality<sup>28</sup>, to which it replied that this was not part of its international obligations. However, the Human Rights Committee again emphasized in its recommendations that decriminalization is a part of international human rights obligations: «The State party should review its legislation and bring it in line with article 26 of the Covenant on Civil and Political Rights. Effective protection against violence and discrimination based on sexual orientation should also be ensured»<sup>29</sup>.

Recommendations on the abolishment of article 120 and on the prohibition of discrimination based on sexual orientation and gender identity have been provided to the government of Uzbekistan at each cycle of the Universal Periodic Review of the UN Human Rights Council. In 2018, 11 recommendations on SOGI were made, however all of them were rejected by the government<sup>30</sup>.

- <sup>28</sup> Fergana.news Information Agency «Uzbekistan: Government once again argues with the UN Human Rights Committee (Part 1)» <http://www.fergananews.com/news.php?id=14278&print=1>
- <sup>29</sup> Human Rights Committee. Concluding observations of the Human Rights Committee. Ninety-eighth session. New York, 8–26 March 2010 [http://www2.ohchr.org/english/bodies/hrc/docs/co/Uzbekistan98\\_AUV.doc](http://www2.ohchr.org/english/bodies/hrc/docs/co/Uzbekistan98_AUV.doc)
- <sup>30</sup> 102.1 – 102.11 Thematic list of recommendations to States-parties. <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UZ-index.aspx>



## PROHIBITION OF «GAY PROPAGANDA»

There is no law as such in Uzbekistan prohibiting so-called «gay propaganda». On the other hand, there is no open discussion of homosexuality and the problems of the LGBT community in official media or the rhetoric of politicians in the country.



## FREEDOMS OF EXPRESSION AND ASSEMBLY OF THE LGBT COMMUNITY

The existence of article 120 in the Criminal Code of the Republic of Uzbekistan determines the situation with regard to the freedoms of expression and assembly of the LGBT community. This issue is taboo in official media.

Regarding the freedom of assembly, in general, it is severely limited in Uzbekistan. The registration of non-governmental organizations is by permission of the state, which fundamentally contradicts the concepts of freedom of association and assembly. Moreover, the creation of and participation in an unregistered organization is illegal and punishable by up to three years of imprisonment<sup>31</sup>.

The process of registering an organization is burdensome and requires the collection of a large number of documents, such as a charter, a memorandum of association, minutes of meetings, information about the initiators or founders of the non-profit organization, a list of initiative citizens, and other documents.

### ***The state also requires that non-profit, non-governmental organizations inter alia::***

- ✓ Coordinate the implementation of activities with the registration authority and provide access to such activities to representatives of the registration authority;
- ✓ Inform the registration authority about the organization of visits of representatives of the non-governmental, non-profit organization to foreign countries;
- ✓ Coordinate with the registration authority the receipt of funds and property from foreign states, international and foreign organizations, citizens of foreign countries, or from other persons acting on their instructions<sup>32</sup>.

• <sup>31</sup> Article 216 Criminal Code of the Republic of Uzbekistan, according to amendments introduced in March 2017. See details in: Assembly of legislation of the Republic of Uzbekistan, 2017, 13, art. 194; National database of legislation, 30.01.2018, 03/18/463/0634).

• <sup>32</sup> Law of the Republic of Uzbekistan. «On non-governmental, non-profit organizations». Article 8 «Obligations of non-governmental, non-profit organizations» of 14 April 1999, 763-I. <http://www.lex.uz/acts/10863>

In addition, there are a number of administrative barriers for registered organizations and significant fines established by the Administrative Liability Code of the Republic of Uzbekistan for failure to comply with restrictive legislation.

The current practice for registering non-governmental organizations shows that the judiciary is trying to extend the registration period as much as possible and provides unjustified refusals even in response to attempts to register charitable organizations. According to anonymous reports of activists, an organization focused on working with PLHIV was only registered after the fifth attempt.

In this context, given the nature and process of registration and the existence of an article on sodomy in the Criminal Code, the registration and existence of LGBT organizations in Uzbekistan is nearly impossible.



## LEGAL STATUS OF SAME-SEX COUPLES

The Family Code of Uzbekistan does not establish a gender framework for people who marry. Family law in Uzbekistan does not refer to marriage as being between a man and a woman. On the contrary, the legislator uses only the words «person» or «people» in relation to the couple. The Family Code also refers to circumstances preventing marriage, but does not mention anything about marriage between persons of the same sex<sup>33</sup>.



## HATE CRIMES

The legislation of Uzbekistan does not define hate crimes. Despite the fact that the Criminal Code of Uzbekistan has a list of aggravating circumstances, including a motive of racial or national hatred or bias, this is not a complete definition of hate crimes. There is no mention of violence based on sexual orientation or gender identity<sup>34</sup>.

• <sup>33</sup> Family Code of Uzbekistan. Article 16 «Circumstances preventing marriage» of 30.04.1998.  
• <sup>34</sup> Article 156 Criminal Code of the Republic of Uzbekistan.



## МЕЖДУНАРОДНЫЕ ДОГОВОРЫ, ЗАКОНЫ И ПОЛОЖЕНИЯ, ЗАЩИЩАЮЩИЕ ЛЮДЕЙ, ЖИВУЩИХ С ВИЧ

- 1 Declaration of Commitment on HIV/AIDS of 27 June, 2001<sup>35</sup>,
- 2 2006 Political Declaration on HIV/AIDS (2 June, 2006)<sup>36</sup>,
- 3 2011 Political Declaration on HIV/AIDS<sup>37</sup>,
- 4 Law of the Republic of Uzbekistan «On the prevention of diseases caused by the human immunodeficiency virus (HIV infection)», of 19 August, 1999<sup>38</sup>,
- 5 Decree of the President of the Republic of Uzbekistan 1023 «On additional measures to increase the effectiveness of counteracting the spread of HIV infection in the Republic of Uzbekistan» of 26 December, 2008<sup>39</sup>,
- 6 Decree of the Cabinet of Ministers of the Republic of Uzbekistan 1 «On measures to improve the organizational structure and activities of AIDS centers» of 5 January, 2009<sup>40</sup>,
- 7 Completed state «Strategic program for countering the spread of HIV infection in the Republic of Uzbekistan for 2007-2011» of 2007, a working group on the development of the «Strategic program for countering HIV infection from 2012-2016» was created by order of the Ministry of Health<sup>41</sup>.
- 8 Order of the Ministry of Health of the Republic of Uzbekistan «On the improvement of prevention measures and the organization of medical and social assistance in connection with HIV infection in the Republic of Uzbekistan» of 30 October, 2007<sup>42</sup>.

<sup>35</sup> Декларация о приверженности делу борьбы с ВИЧ/СПИДом. Источник: [www.ilo.org/public/russian/region/eurpro/moscow/info/publ/ares26-2\\_ru.pdf](http://www.ilo.org/public/russian/region/eurpro/moscow/info/publ/ares26-2_ru.pdf)

<sup>36</sup> Политическая декларация по ВИЧ/СПИДу. Источник: [www.un.org/ru/documents/decl\\_conv/declarations/aidsdecl.shtml](http://www.un.org/ru/documents/decl_conv/declarations/aidsdecl.shtml)

<sup>37</sup> Политическая декларация по ВИЧ/СПИДу. Источник: <http://www.unaids.org/ru/aboutunaids/unitednationsdeclarationsandgoals/2011highlevelmeetingonaids/>

<sup>38</sup> Закон Республики Узбекистан «О профилактике заболевания, вызываемого вирусом иммунодефицита человека (ВИЧ-инфекции)». N 816-I. Источник: <http://www.parliament.gov.uz/ru/law/1999/3317/>

<sup>39</sup> Постановление Президента Республики Узбекистан 1023 от 26.12.2008 г. «О дополнительных мерах по повышению эффективности противодействия распространению ВИЧ-инфекции в Республике Узбекистан». Источник: <http://www.minzdrav.uz/documentation/detail.php?ID=11101>.







<sup>40</sup> Национальный доклад о ходе выполнения декларации о приверженности делу борьбы с ВИЧ/СПИД специальной сессии Генеральной Ассамблеи ООН. Источник: <http://www.unaids.org/ru/dataanalysis/knownyourresponse/countryprogressreports/2012countries/file,68552,ru..pdf>

<sup>41</sup> Национальный доклад о ходе выполнения декларации о приверженности делу борьбы с ВИЧ/СПИД специальной сессии Генеральной Ассамблеи ООН. Источник: <http://www.unaids.org/ru/dataanalysis/knownyourresponse/countryprogressreports/2012countries/file,68552,ru..pdf>

<sup>42</sup> Приказ Министерства здравоохранения Республики Узбекистан 480 «О совершенствовании профилактических мероприятий и организации медико-социальной помощи в связи с ВИЧ-инфекцией в Республике Узбекистан» [http://www.minzdrav.uz/documentation/detail.php?ID=9296&sphrase\\_id=530620](http://www.minzdrav.uz/documentation/detail.php?ID=9296&sphrase_id=530620)



## RECOMMENDATIONS

-  The Republic of Uzbekistan must decriminalize voluntary sexual relations between men;
-  Introduce the definition of discrimination based on sexual orientation and gender identity in the legislation of Uzbekistan;
-  Abolish forced HIV testing for migrants;
-  Ensure protection of the rights of PLHIV and prevent the disclosure of information about their health;
-  Amend article 113 of the Criminal Code criminalizing the risk of HIV infection;
-  Introduce a definition for gender in legislation, ensure transparent mechanisms for changing one's legal gender and establish procedures for gender confirmation.



## INTERNATIONAL AND REGIONAL DOCUMENTS RATIFIED/ SIGNED/UNDERGOING ACCESSION BY UZBEKISTAN

- 1** United Nations International Covenant on Civil and Political of 16 December, 1966 — **entered into in 1995.**
- 2** Optional Protocol to the International Covenant on Civil and Political Rights of 16 December, 1966 — **entered into in 1995.**
- 3** International Covenant on Economic, Social and Cultural Rights of 1966 — **entered into in 1995.**
- 4** Convention on the Rights of Persons with Disabilities — **signed in 2009, but not ratified.**
- 5** Convention on the Rights of the Child — **entered into in 1994.**
- 6** International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families — **not signed.**

