ECOM

NATIONAL REPORT

ON VIOLATIONS OF THE RIGHTS OF GAY MEN, OTHER MSM AND TRANS* PEOPLE IN UZBEKISTAN

2022

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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
HDIA	Head Department of Internal Affairs
HIV	Human immunodeficiency virus
LGBT	Lesbian, gay, bisexual and trans* people
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

The 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 basis for the national report is 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.

Several research methods were used as part of monitoring:

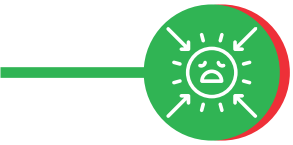
- Analysis of documented cases from the REAct database;
- Prepared appeals to paralegals;
- Analysis of thematic materials from open sources.

Goal of information collection: to identify cases of violations of the human rights, in particular the right to health, of gay, bisexual and other MSM, and trans* people.

As a result of the analysis, the main grounds for violations and discrimination were identified, and quantitative data was obtained. Conclusions and recommendations were developed based on this data.

NATIONAL LEGISLATION IN THE FIELD OF HEALTH

Uzbekistan remains one of two republics in Central Asia that criminalizes consensual sex between adult men[1]. This has led to the fact that the LGBT community does not feel safe; it is impossible to register an organization working with LGBT people, even in the field of HIV prevention. Legislation in Uzbekistan is one of the most repressive in EECA in relation to LGBT people and PLH.



ANTI-DISCRIMINATION LEGISLATION

There is no separate anti-discrimination legislation in Uzbekistan, although separate norms aimed at preventing discrimination exist in individual laws. However, they do not include SOGI as protected grounds.

The Constitution of Uzbekistan does not explicitly mention the prohibition of discrimination, but equality is guaranteed by law[2]. The Republic lacks the necessary legislation to prevent hate crimes, hate speech and discrimination.



LEGISLATION IN THE FIELD OF HIV PREVENTION

The Law of RUz «*On counteracting the spread of the disease caused by HIV*»[3] permits mandatory HIV testing of any person, not only by court order, but also on the basis of a decision of an official (official inquirer, prosecutor, investigator).

In addition, on August 26, the MIA of Uzbekistan submitted for public discussion a draft resolution[4] of the Cabinet of Ministers on compulsory medical examination for HIV. Compulsory medical examinations are a violation of human rights, and not only do not result in positive changes in the fight against HIV, but also worsen the situation.

[1] CC RUz, Article 120.

[2] Article 117. – URL: https://lex.uz/docs/35869

[3] Entered into force on 23 September 2013 as N3PY-353.

[4] URL: https://regulation.gov.uz/uz/d/67012

In addition to compulsory testing, it provides that authorities must keep records of people included in the *«risk group»* in order to prevent *«moral and spiritual decay among the population»*. This will provide the authorities of Uzbekistan with additional levers of pressure on the LGBT community, PLH and any citizens who are problematic to them, since the draft covers a wide range of groups and uses abstract language.



CRIMINALIZATION OF HIV TRANSMISSION

Article 113[5] CC RUz criminalizes not only the transmission of HIV, but also ***«knowingly placing someone at risk of infection»***. It is not stated in the law whether this article applies to cases where one's sex partner provided informed consent or where preventative measures in the form of ARV treatment and condoms were used. In 2022, a gay man was convicted under this article despite being on ARV treatment. Thus, all persons living with HIV who have sex can be held criminally liable, which violates their right to sexual health.

Moreover, according to the Order of the Minister of Health of 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 CC RUz. The order establishes the following procedure: in case of detection of HIV infection, a conversation is held and the route of transmission is determined. Then the medical worker checks whether the sexual partner of this person is in the electronic database, after which the information is transmitted in writing to the internal affairs authorities for further investigation.

There is direct discrimination against people living with HIV in Uzbekistan. They are required to disclose information about their sexual partners to government agencies in accordance with Article 57 of the Code of Administrative Offenses[6], which prohibits concealing the source of infection.

In the new draft of the CC RUz, Article 113 is defined by article 136, which provides for punishment for the deliberate transmission of HIV with imprisonment from 5 to 8 years.

[5] Criminal Code of the Republic of Uzbekistan.

[6] Code of Administrative Offenses of the Republic of Uzbekistan, Article 57 «Concealment of the source of infection with a sexually transmitted disease or HIV infection/AIDS».

LEGAL RECOGNITION OF GENDER

Article 149 of the Decree of the Republic of Uzbekistan «On approval of the rules for registration of acts of civil status»[7] allows a person to change their gender marker when they change their sex. However, the legislation does not regulate the concept of *«sex change»* and the requirements for trans* people to change their gender marker may vary. Additionally, Article 229 of the Family Code of RUz[8] establishes the possibility of *«making amendments following a sex change, only at the conclusion of health authorities»*.

There is no legally established protocol for changing one's gender marker in official documents. Amending documents involves a long process[9], which includes a differential diagnostician with mandatory observation in a psychoneurological dispensary, after which a final decision on the diagnosis[10] is made by an advisory board. Following this, the person can begin hormone therapy. Taking hormone therapy prior to diagnosis and living as a trans* person for at least 2 years is grounds for diagnosis. After the diagnosis is made, the doctor has the right to issue a certificate[11] attesting that a sex change using hormone therapy was carried out, after which the trans* person can change the gender marker in their official documents on the basis of this certificate.

[7] Rules for the registration of acts of civil status.

[8] Family Code of the Republic of Uzbekistan.

[9] Article on gender transition for trans* men in Uzbekistan.

[10] Form N025-12 of a patient's medical record.

[11] There is no established form for the certificate of gender reassignment.

DESCRIPTIVE REPORT OF CASES

CASE 1

1.1 CASE DESCRIPTION

In May, 2 victims celebrated a holiday at home, where a conflict occurred between them. Neighbors called the police precinct. The policeman, finding out the circumstances of the conflict, discovered that the victims were homosexual. Two days later, the district police officer called them in to the station to testify, and stated that they would be tried under Article 120 CC RUz. The men paid a bribe of 1,500 USD, and the issue was settled.

1.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

1.3 VIOLATED/RESTRICTED RIGHTS

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

- Constitution RUz, Article 27 «*Right to protection from attacks on honor and dignity, interference in private life*».
- CC RUz[12]: Article 210 «*Taking a bribe*»;
- CC RUz Article 206 «*Abuse of power or authority*».

1.4 CONSEQUENCES FOR VICTIM

Material and moral damages.

1.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The victims were provided primary legal support and primary psycho-emotional support. The victims refused qualifying legal support, because they understand that this will result in their prosecution under Article 120 CC RUz, and automatic outing.

[12] URL: https://lex.uz/docs/111457

CASE 2

2.1 CASE DESCRIPTION

The victim was stopped by the police. They asked the young man to provide documents that he did not have with him. The police conducted an illegal search, the detainee was forced to unlock his phone, as they threatened to put him in jail for 2 days in case he refused. Homosexual pornographic gifs were found on the victim's phone. The police officer told the victim that he could be prosecuted under Article 189 of the Code of Administrative Offenses «*Production, importation, distribution, advertising, demonstration of pornographic materials*» adding: «*since you like to watch fa**gots having sex, we will tell everyone in the detention center about this*». They took all of the young man's money (about 150 USD), and let him go.

2.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

2.3 VIOLATED/RESTRICTED RIGHTS

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

- Constitution RUz, Article 25 «*Right to liberty and security of person*»;
- CC RUz, Article 206 «*Abuse of power or authority*»;
- CC RUz, Article 165 «*Extortion*».

2.4 CONSEQUENCES FOR VICTIM

Moral and material damages.

2.5 ПРЕДПРИНЯТЫЕ МЕРЫ И ИХ ПОСЛЕДСТВИЯ

A legal consultation was provided. The victim refused to write a complaint due to fear of prosecution under Article 120.

CASE 3

3.1 CASE DESCRIPTION

The victim was a married, bisexual man. His wife found out about his orientation. She copied personal photos, videos and correspondence from his phone and threatened to out him to his acquaintances and in a statement to the police. The woman demanded 20,000 USD from him, and after receiving the money, she said: «*I hope that you, like all f**gots, will die of AIDS*».

3.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

3.3 VIOLATED/RESTRICTED RIGHTS

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

- Constitution RUz, Article 27 «*Right to protection from attacks on honor and dignity, interference in private life*»;
- CC RUz, Article 165 «*Extortion*»;
- CC RUz, Article 141 «*Private life*».

3.4 CONSEQUENCES FOR VICTIM

Moral and material damages.

3.5 MEASURES TAKEN AND THEIR CONSEQUENCES

Referred to a lawyer, signed a contract. In the event the victim is detained, the lawyer will defend him in court.

CASE 4

4.1 CASE DESCRIPTION

The victim went to a clinic for an operation, he was told the fee for this. Following this, the victim stated that he was HIV-positive and homosexual. The doctor said that in this case, he would charge 3 times more: *«I doubt that as a gay, HIV-positive person, you will be treated and dealt with anywhere else, because such people are not usually treated in our country, and if people do treat them, they make it worse; you should be glad that our clinic is ready to accept someone like you»*.

4.2 GROUND ON WHICH DISCRIMINATION OCCURRED

HIV status, Sexual orientation.

4.3 НАРУШЕННЫЕ/ОГРАНИЧЕННЫЕ ПРАВА

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

- CC RUz, Article 116 *«Improper performance of professional duties»*;
- Violation under the Law of RUz *«On protection of the health of citizens»*[13]: Article 13 *«Right to health«*, Article 24 *«Patient rights«*.

4.4 CONSEQUENCES FOR VICTIM

Moral damages.

4.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The victim was referred to a friendly specialist. But he refused to file a complaint against the doctor.

[13] URL: https://lex.uz/docs/41329#41572

CASE 5[14]

5.1 CASE DESCRIPTION

A gay man was diagnosed with HIV. The doctor deceived the victim by saying that homosexual and heterosexual people require different treatment, thereby finding out about the victim's sexual orientation. This information was forwarded to the police, to whom the victim was then required to disclose information about his sexual partners. He was promised that the person would be prosecuted for the transmission of HIV, and the victim would only be involved in the case as a witness. After the trial, the victim was charged under Article 120, and was subjected to a colonoscopy. The court sentenced him to 1.5 years of imprisonment in a penal colony.

5.2 ROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation, HIV status.

5.3 VIOLATED/RESTRICTED RIGHTS

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

- Constitution RUz, Article 26: «*No one may be subjected to torture, violence, or other cruel or degrading treatment*»;
- CC RUz, Article 206 «*Abuse of power or authority*»;
- CC RUz, Article 116 «*Improper performance of professional duties*»;
- CC RUz, Article 235 «*Use of torture*».

5.4 CONSEQUENCES FOR VICTIM

Physical, material, moral damages. Restriction of freedom.

5.5 MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological support.

[14] URL: https://sarpa.media/kod103

CASE 6

6.1 CASE DESCRIPTION

A trans* woman's neighbors found out about her gender identity. When she returned home, the children playing nearby began to shout: «kharam, uyat, kanzh*k[15]», and began to throw stones at her. Their mothers said: «*Be patient, you have dishonored the mahalla and our husbands will come to you to deal with it*». In the evening, aksakal mahalla[16] and policemen came to her house. The district police officer said that the neighbors complained about her, and that she must stop bringing guests to her place. When the aksakal left, the district police officer told the victim that she was beautiful, and that he would definitely visit her to get to know her better.

6.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Gender identity.

6.3 VIOLATED/RESTRICTED RIGHTS

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

- Constitution RUz, Article 27 «*Right to protection from attacks on honor and dignity, interference in private life*»;
- CC RUz, Article 109 «*Intentional infliction of light bodily harm*»;
- CC RUz, Article 140 «*Insults*»;
- CC RUz, Article 112 «*Threats to kill or use violence*»;
- CC RUz, Article 206 «*Abuse of power or authority*».

6.4 CONSEQUENCES FOR VICTIM

Moral, material, physical damages.

6.5 MEASURES TAKEN AND THEIR CONSEQUENCES

Legal advice and psychological support were provided. The victim did not want to file a complaint due to fear of Article 120.

[15] «Sin, shame, wh*re».

[16] Neighborhood elder.

CASE 7

7.1 CASE DESCRIPTION

The victim, along with his friends, went to a festival, where he revealed his SOGI to a friend. His friend told the others, who then began to insult him. The entire crowd began beating the victim. One person hit the victim in the groin and said: «*...since you are a f**got, then you don't need to use this organ*». The victim, screaming in pain, drew the attention of law enforcement officers. After talking with them, the victim, under the threat from his friends, said that he had fallen and sprained his leg.

7.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

7.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 105 «*Intentional bodily harm*»;
- CC RUz, Article 140 «*Insults*».

7.4 CONSEQUENCES FOR VICTIM

Moral and physical damages.

7.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The victim refused to pursue the case due to fear of outing and prosecution.

CASE 8

8.1 CASE DESCRIPTION

A bisexual man met a guy on a dating site. The guy said that he would pick him up in a taxi. The two guys sat in the back seat, while the driver sat in front. During the ride, it turned out that the driver and the guy were working together, and they started yelling at the victim. The victim was hit in the face and chest; the two began threatening him with a knife and demanded that he give them his phone and unlock it. The driver of the car said that he was a police officer and that the victim would be prosecuted under Article 120, and that his relatives would be told about his SOGI. They demanded 700 USD from the victim.

8.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

8.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 112: «*Threats to kill or use violence*»;
- CC RUz, Article 165 «*Extortion*»;
- CC RUz, Article 164 «*Theft*».

8.4 CONSEQUENCES FOR VICTIM

Physical, material, moral damages.

8.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The victim refused to pursue the case due to fear of Article 120.

CASE 9

9.1 CASE DESCRIPTION

A human rights activist promoting gender equality published a post on her Facebook page[17] where she called gays pedophiles and urged people to submit information about LGBT people to law enforcement agencies in order to bring them to justice under the legislation of the Republic of Uzbekistan.

9.2 GROUND ON WHICH DISCRIMINATION OCCURRED

SOGI.

9.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 141: «*Violation of the right to privacy*»;
- CC RUz, Article 244: «*Spreading false information*».

9.4 CONSEQUENCES FOR VICTIM

Spreading hate speech and calling for persecution.

9.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The case was documented and included in an alternative report on hate speech.

[17] URL: https://www.facebook.com/839712696/posts/pfbid02Y1nurnczH6hRWQCoUcaFj8KuR9ygDnvSM8w51eu8eToDio-Pn7DEbX585nBMovVcjl/?app=fbl

CASE 10

10.1 CASE DESCRIPTION

An NGO representative met a gay man from a partner organization that she had previously helped. She disclosed information about his SOGI and health status to his colleagues.

10.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation, health status.

10.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 141: «*Violation of the right to privacy*».

10.4 CONSEQUENCES FOR VICTIM

Moral damages.

10.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The case was included in an alternative report describing how LGBT people are being discriminated against and outed by others in the human rights movement.

CASE 11

11.1 CASE DESCRIPTION

A gay man was sentenced to 6 years in prison under Articles 113 and 120. During the investigation, he was subjected to forced testing for STIs and an anal examination. Police officers subjected the victim to psychological pressure.

11.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation, HIV status.

11.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 235 «*Use of torture*»;
- CC RUz, Article 116 «*Improper performance of professional duties*»;
- CC RUz, Article 206 «*Abuse of power or authority*».

11.4 CONSEQUENCES FOR VICTIM

Imprisonment.

11.5 MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological advice was provided; the victim was referred to a lawyer.

CASE 12

12.1 CASE DESCRIPTION

One of those suspected of participating in a rally in Nukus to prevent a change in the status of the Republic of Karakalpakstan was threatened under Article 120, and with subsequent «*social destruction*» if he did not testify against the human rights activist Dauletmurat Tadimuratov.

12.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation, political views.

12.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 206 «*Abuse of power or official duties*».

12.4 CONSEQUENCES FOR VICTIM

Moral damages.

12.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The case was documented as evidence of Article 120 being used for political purposes.

CASE 13

13.1 CASE DESCRIPTION

A bisexual woman was called by the university administration, who accused her of establishing an LGBT club on the territory of the institution. She was told that if they find confirmation of this, then this information would be submitted to law enforcement agencies in order to prosecute her.

13.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

13.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 141 «*Violation of the right to privacy*».

13.4 CONSEQUENCES FOR VICTIM

Moral damages.

13.5 MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological advice was provided. The victim was forced to leave the country, and according to her, her mother is being monitored.

CASE 14

14.1 CASE DESCRIPTION

The victim's relatives found out about his homosexuality. He was taken to a country house in the mountains, his phone was taken away, and his passport was torn up. He was forced to read the Koran for a week. The victim's father beat him and broke his leg in two places. He was only taken to the hospital the next day, where he underwent surgery. His father threatened to kill the young man if he told the hospital about what had happened to him.

14.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

14.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 110 «*Torture*»;
- CC RUz, Article 138 «*Wrongful imprisonment*»;
- CC RUz, Article 109 «*Intentional infliction of moderate bodily harm*»;
- CC RUz, Article 173 «*Intentional destruction or damage to property*».

14.4 CONSEQUENCES FOR VICTIM

Physical and moral damages.

14.5 MEASURES TAKEN AND THEIR CONSEQUENCES

Legal and psychological advice were provided. The victim refused to pursue the case.

CASE 15

15.1 CASE DESCRIPTION

A video of the interrogation of two men who were detained during sexual intercourse was circulated on social networks. The video shows the imam of the Andijan region and his partner. The young people were insulted, filmed, and interrogated without being given the opportunity to get dressed. According to law enforcement agencies, the young people were first prosecuted under Article 120, but later all videos and photographs were removed from social networks due to pressure from government agencies, the fate of the victims is unknown.

15.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

15.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 141 «*Violation of the right to privacy*»;
- CC RUz, Article 206 «*Abuse of power or authority*».

15.4 CONSEQUENCES FOR VICTIM

Physical and moral damages.

15.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The case was documented.

CASE 16

16.1 CASE DESCRIPTION

A video of sex between two brothers was circulated online. The victims were locked up, and deprived of water and food. The older brother confessed to being homosexual, the younger brother said that his older brother forced him to perform intimate acts. The father beat the older brother, who died as a result of his injuries. According to the second victim, the father forced all of his family members to testify that the older brother fell down the stairs.

16.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

16.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 138 «*Wrongful imprisonment*»;
- CC RUz, Article 141 «*Violation of the right to privacy*»;
- CC RUz, Article 110 «*Torture*»;
- CC RUz, Article 97 «*Premeditated murder*».

16.4 CONSEQUENCES FOR VICTIM

Moral, physical damages. One of the victims was killed.

16.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The case was documented.

CASE 17

17.1 CASE DESCRIPTION

During a drink promotion campaign on the «*Drift Show*», two girls kissed. The video was shared on social networks. As a result, the Consumer Protection Agency[18] sent a request to the police for action in connection with «*immoral and amoral behavior*». The victims were publicly condemned, and were forced to apologize on television. On its channel, the HDIA[19] reported that the victims violated the rules of societal behavior, and committed shameless actions. The victims were found guilty under Article 183 of the Code of Administrative Offenses («*Petty hooliganism*») and were ordered to pay a fine of 900,000 soms[20].

17.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

17.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 244 «*Spreading false information*»;
- CC RUz, Article 206 «*Abuse of power or authority*».

17.4 CONSEQUENCES FOR VICTIM

Moral, material damages.

17.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The case was documented.

[18] URL: https://upl.uz/incidents/28752-news.html

[19] URL: https://t.me/iibbuz/24491

[20] Approximately 80 USD.

CASE 18

18.1 CASE DESCRIPTION

A gay man wrote to an acquaintance, suggesting that he was also from the LGBT community. A few days later, someone with an unfamiliar profile wrote to the victim and invited him on a date. At the agreed-upon place, the victim was surrounded by four men, who forcibly put him into a car, and drove him out of the city. One of them turned out to be the same acquaintance to whom the victim had written earlier. The men began to beat the young man and filmed it on camera. The acquaintance of the gay man said: *«I will bury you alive. I have two hectares of land, no one will find you»*. They threatened to out him, and said that he was a disgrace to their city and nation. After beating the victim, the offenders brought him back to the city and told him to stay silent and to be glad that he was still alive. However, the man, filming what was happening on his phone, distributed this video on the Internet, as a result of which the victim was fired from his job, and his friends and acquaintances stopped communicating with him. The victim now faces condemnation and aggression from passers-by on the street in his mahalla on a daily basis.

18.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Sexual orientation.

18.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 112 «*Threats to kill or use violence*»;
- CC RUz, Article 105 «*Intentional bodily harm*»;
- CC RUz, Article 137 «*Kidnapping*».

18.4 CONSEQUENCES FOR VICTIM

Moral, material, and physical damages.

18.5 MEASURES TAKEN AND THEIR CONSEQUENCES

The victim refused to go to the police due to Article 120.

CASE 19

19.1 CASE DESCRIPTION

A trans* woman met a young man on a social network, and revealed her gender identity to him. The man and three of his friends then kidnapped her. The woman was beaten, given a shovel, and forced to dig her own grave. After the victim dug the hole, one of the offenders put a knife to her throat and said: "...if we see you again or meet you somewhere, we will definitely kill you." The offenders then left, leaving the victim in a mountainous area.

19.2 GROUND ON WHICH DISCRIMINATION OCCURRED

Gender identity.

19.3 VIOLATED/RESTRICTED RIGHTS

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

- CC RUz, Article 112 «*Threats to kill or use violence*»;
- CC RUz, Article 105 «*Intentional bodily harm*»;
- CC RUz, Article 137 «*Kidnapping*».

19.4 CONSEQUENCES FOR VICTIM

Moral, material, and physical damages.

19.5 MEASURES TAKEN AND THEIR CONSEQUENCES

A consultation was provided. The victim did not want to pursue the case due to fear of prosecution.

ВЫВОДЫ И РЕКОМЕНДАЦИИ

In 2022, 80 cases of violations of the rights of LGBT people were registered in 8 regions of Uzbekistan and in the Republic of Karakalpakstan. The victims included 94 gay men or other MSM, 3 trans* women, and 1 bisexual woman. In addition, 1 heterosexual man and 2 heterosexual women faced violations of their rights due to political persecution or their association with the LGBT community.

Most often, violations were committed due to the SOGI of the victims. Grounds for the violation of rights also included HIV status and involvement in sex work.

Article 141 CC RUz «*Violation of the equality of citizens*» was violated in 47 cases, Article 206 CC RUz «*Abuse of power and authority*» in 24 cases, and Article 165 CC RUz «*Extortion*» in 21 cases. In 5 cases, gay men were convicted under Article 120, and under Article 113 in 2 cases. In 4 out of the 5 cases, the victims were subjected to torture in the form of forced anal examinations.

Despite the fact that the state refuses to recognize the politicization of Article 120 CC RUz, in the city of Nukus, a human rights activist was forced to confess under threat of prosecution under this article.

In addition, Article 120 is used by law enforcement agencies for extortion. Meanwhile, the prevalence of fake dates, when people meet with LGBT people to further subject them to extortion and violence, is directly linked to this article and the inability of the community to seek justice.

Cases show the prevalence of hate speech in society, by both government agencies and religious representatives, and even by representatives of civil society. This affects the general level of homophobia and transphobia in the country, which in turn affects local LGBT people. Reported cases of domestic violence are particularly brutal, including one case of murder and several cases of conversion therapy[21].

The main violators of the rights of LGBT people are representatives of law enforcement agencies: 23 cases; in 22 cases, violations were committed by relatives of the victims; and in 19 cases, by neighbors and acquaintances of the victims. In 14 cases, hate groups were organized that purposefully persecute LGBT people; while in 12 cases, LGBT people themselves violated the rights of the community, most often for the purpose of extortion.

It is not possible to resolve the issue of violations of the rights of LGBT people in Uzbekistan without decriminalizing same-sex contacts and enacting legislation friendly to PLH.

[21] Violent attempt to change a person's SOGI through drug treatment or religious practices.

TO THE GOVERNMENT OF UZBEKISTAN

- Repeal Article 120 CC RUz and put an end to the persecution of LGBT people, ensuring their rights and freedoms in accordance with international law;
- Rehabilitate those convicted under Article 120 by releasing them from places of detention, and develop a plan for their further socialization in society;
- Conduct investigations into extortion, intimidation, and torture of LGBT people by law enforcement agencies; carry out planned prevention work to eliminate discrimination against LGBT people within law enforcement agencies;
- Ensure unhindered registration of NGOs working to provide assistance to LGBT people in Uzbekistan; ensure the unhindered work of international human rights organizations and their access to vulnerable groups of the population;
- Develop and implement programs aimed at training medical personnel to work with LGBT people, implement a targeted policy to combat discrimination among medical personnel;
- Introduce a legislative framework that protects LGBT people from discrimination, both from state bodies and from civil society;
- Introduce the concept of "hate crimes" in the CC RUz;
- Combat intolerance towards the LGBT community and increase accountability for calls for reprisals against members of the LGBT community;
- Provide a training program on the concept of "hate speech and freedom of speech" at all levels.

TO INTERNATIONAL ORGANIZATIONS

- Advocate for the repeal of Article 120 CC RUz;
- Monitor violations of the rights of the LGBT community and its oppression in Uzbekistan, advocate for political changes in this area;
- Provide support and opportunities for civil society to be involved in advocacy, assistance and capacity building of the LGBT community within the country.

TO CIVIL SOCIETY

- Participate in advocacy for the repeal of Article 120 CC RUz;
- Conduct research aimed at determining the availability of healthcare services for representatives of the GBT and MSM community, and monitor the level of discrimination against them;
- Develop programs aimed at increasing the capacity of the LGBT community by providing them with knowledge and skills, including in the fields of human rights and the prevention of STIs and HIV;
- Provide quality psychological assistance in crisis situations;
- Provide high-quality translation of medical, psychological, sociological and other materials into Uzbek, both for community representatives and for a wider audience for educational purposes.


ECOM