



# UZBEKISTAN 2022

HOMOPHOBIA AND PERSECUTION  
ENCOURAGED IN SOCIETY

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In October 2020, Uzbekistan was elected to the UN Human Rights Council for the period from 2021 to 2023. According to the resolution establishing this Council, a member country must «uphold the highest standards in the promotion and protection of human rights<sup>1</sup>». In 2022, ECOM registered 80 cases of violations of the rights of LGBT people.

On the one hand, the authorities of Uzbekistan are trying to show progress in respecting human rights and even receive «recognition» from US officials before the visit of the State Department to the country:






«In Uzbekistan, where there have been some really serious human rights issues for years, last year we saw a huge change in the use of forced and child labor in the cotton harvest. Thus, the International Labor Organization recently stated that it was completely eradicated in Uzbekistan as a result of reforms — and this happened within a little over a year. It's really wonderful. We have not seen the same rapid progress anywhere else in the world,» concluded Assistant Secretary of State for South and Central Asian Affairs Donald Lu<sup>2</sup>.

On the other hand, the 2022 US Periodic Country Report on Human Rights Practices suggests that these «improvements» are not so optimistic and do not apply to all human rights. **The report documented:**




- ✓ unlawful or arbitrary killings, including extrajudicial executions;
- ✓ torture or cruel, inhuman or degrading treatment or punishment by the government;
- ✓ harsh and life-threatening conditions in prison;
- ✓ arbitrary arrest or detention;
- ✓ political prisoners;
- ✓ transnational repression against individuals in another country;
- ✓ serious problems with the independence of the judiciary;
- ✓ arbitrary or unlawful interference with privacy;
- ✓ serious restrictions on freedom of speech and the media, including censorship and defamation laws;
- ✓ serious restrictions on internet freedom;
- ✓ significant interference with freedom of peaceful assembly and association, including restrictions on civil society organizations, human rights defenders and other individuals critical of the government;
- ✓ restrictions on freedom of movement;
- ✓ expelling refugees to a country where they would face torture or persecution;
- ✓ inability of citizens to change their government peacefully through free and fair elections;

<sup>1</sup> UNGA Resolution, Human Rights Council, April 3, 2006, para. 9 (A/RES/60/251)



<sup>2</sup> Source <https://kun.uz/ru/news/2023/02/25/v-gosdepe-ssha-vyskazalis-o-situatsii-s-pravami-cheloveka-v-uzbekistane>

-  serious and unfounded restrictions on political participation; corruption;
-  lack of investigation and accountability for gender-based violence;
-  significant barriers to accessing sexual and reproductive health services;
-  existence and enforcement of laws criminalizing consensual same-sex sexual relationships between adults;
-  and significant restrictions on workers' freedom of association.

**Regarding the (in)ability to exercise human rights for members of the LGBT community, the State Department notes the following<sup>3</sup>:**

-  The state actively applies Article 120 of the Criminal Code to persecute voluntary same-sex relationships between adult men. According to activists, at least 5 such verdicts were issued in 2021 solely on the grounds of «exchange of information between the Ministry of Health and the Ministry of Justice», allowing the latter to «keep track» of HIV-positive men. The Ministry of Internal Affairs «reports» that at least 13 adult men have been convicted of engaging in same-sex sexual acts; they are serving prison sentences and undergoing «conversion therapy» or psychological treatment to «eliminate recurrent crimes and offenses».
-  According to the government, prisoners convicted of same-sex sexual relations must undergo psychological counseling to «protect them from repeating such offenses».
-  On February 22, the Tashkent City Court dismissed the appeal of a trans person sentenced in December 2021 to five years of «restriction of movement», which means that this person is subject to a curfew and cannot go out after dark or leave Tashkent without prior permission from the police.

**The 2022 annual report<sup>4</sup> by Freedom House points to similar trends in the actions of the authorities of Uzbekistan:**

-  persecution of activists and human rights defenders: «Though the government claims that many NGOs operate in Uzbekistan, most are state-sponsored organizations; excessive registration requirements prevent independent NGOs from legally operating, and allow authorities to interfere in the work of human rights organizations»;
-  lack of effective legal protection: «Due process guarantees are extremely weak. Law enforcement authorities have routinely justified the arrest of suspected religious extremists or political opponents by planting contraband, filing dubious charges of financial wrongdoing, or inventing witness testimony».

<sup>3</sup> Ibid

<sup>4</sup> Available in English <https://freedomhouse.org/country/uzbekistan/freedom-world/2022>

**In its World Report on Human Rights for 2022<sup>5</sup> Human Rights Watch associates the re-election of President Shavkat Mirziyoyev with the strengthening of authoritarianism in the country and the absence of reforms:**



Freedom of speech and the media experienced clear setbacks, with authorities targeting outspoken and critical bloggers, including Otabek Sattoriy, who was sentenced to six-and-a-half years in prison in May. Authorities continued to deny registration to independent human rights groups and to criminalize consensual same-sex relations. Authorities used anal exams, a form of torture, in prosecutions of gay men. Impunity for ill-treatment and torture remained the norm<sup>6</sup>.

**In the report jointly prepared by International Partnership for Human Rights, the Association for Human Rights in Central Asia and ECOM<sup>7</sup>, the authors note that:**



Many in Uzbekistan believe that homosexuality is like a contagious disease that spreads and destroys the very fabric of society if it is not prohibited and punished. When families know or suspect a relative of being gay, lesbian, bisexual or trans, they often force them to consult with medical doctors, psychiatrists, psychotherapists, mullahs or other religious figures for «treatment». There are also many cases of families who have banished a gay son or lesbian daughter from the family home, particularly when their sexual orientation has become known outside the family.

**All of these studies and reports point to several key issues in the country:**



authoritarianism and persecution by the authorities of both political opposition and human rights activists;



weak institutions, «manual control» of the judiciary and legal profession resulting in a lack of legal protection in cases of human rights violations;



high level of impunity within the law enforcement system and, as a result, corruption, extortion and blackmail;



low level of human rights culture in society, low level of tolerance, which leads to stereotypes and prejudices;



silenced and «socially acceptable» culture of domestic violence;



high level of homophobia.

A similar picture is revealed by the analysis of cases of individual persecution, blackmail, intimidation, discrimination and other human rights violations documented by ECOM in Uzbekistan in 2022.

For several years now, ECOM has been systematically collecting data in some countries of the region, including Uzbekistan, and directing its efforts towards supporting local activists in order to uncover what happens «behind closed doors» and how the LGBT community survives in an atmosphere of authoritarianism and social ostracism. ECOM's data demonstrates that human rights violations and violence have become a common occurrence, to which, unfortunately, the local society does not react.

<sup>5</sup> Available in English <https://www.hrw.org/world-report/2022/country-chapters/uzbekistan>

<sup>6</sup> Ibid

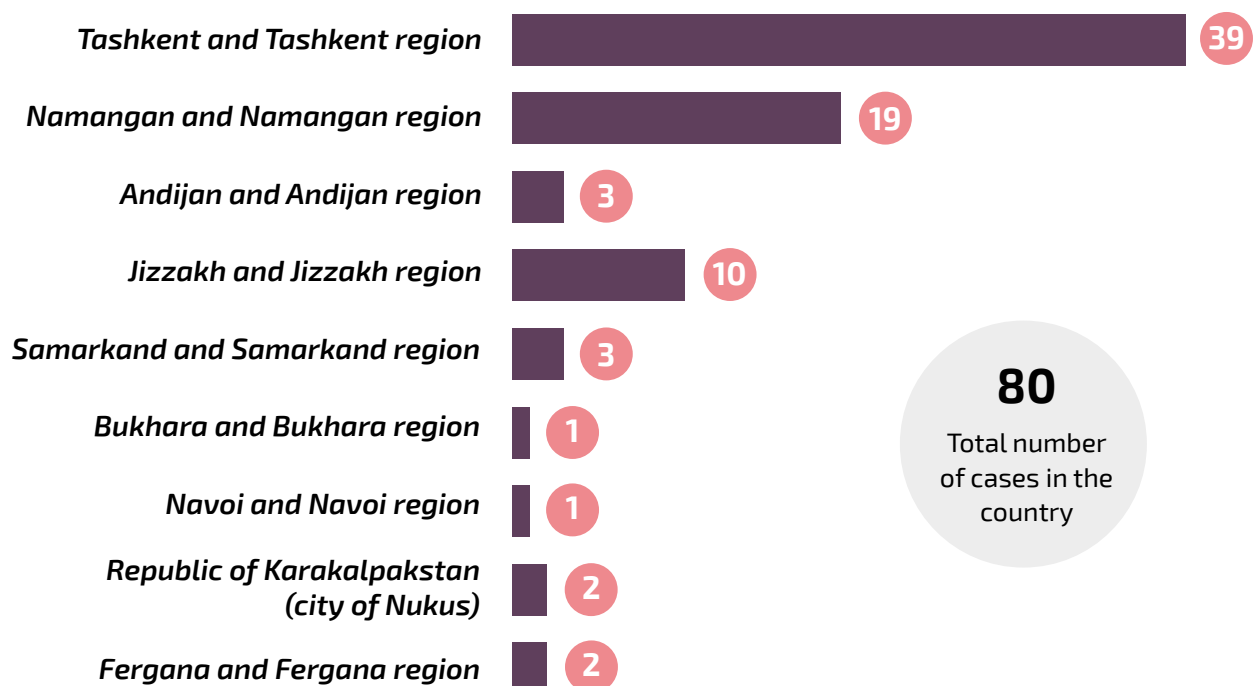
<sup>8</sup> The report covers the period up to and including 2021, available in English <https://ecom.ngo/library/report-discrimination-in-uzbekistan>

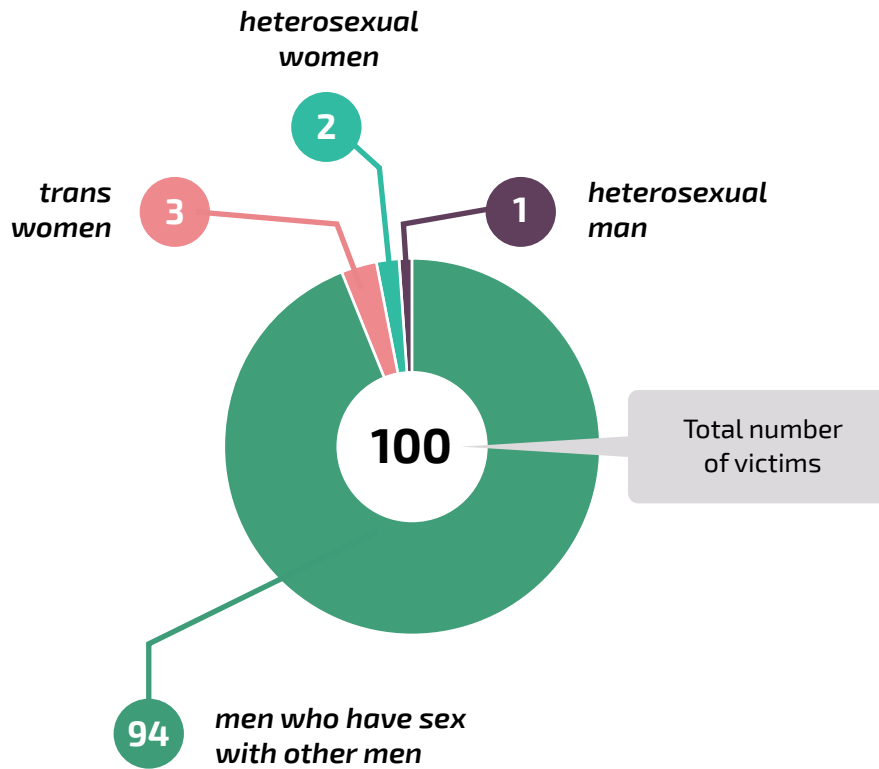
## DATA COLLECTION METHODOLOGY

The data collection methodology at the national level (where possible in different cities) was developed and tested by ECOM in the countries of the CEECA region.

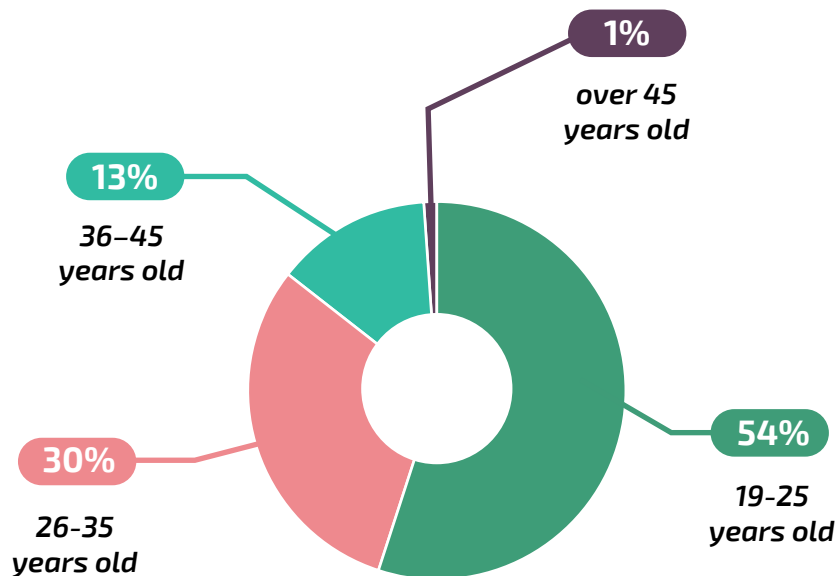
Due to the high level of homophobia and distrust, even among members of the LGBT community, the snowball sampling method was predominantly used to disseminate information about documentation. ECOM ensures confidentiality and data protection for each interviewee.

## DATA FOR 2022 IN NUMBERS





The age of the victims also indicates their activity and access to information. Young people aged 19–25 account for 54% of all complainants who reported violations, and those aged 26–35 make up 30% of the cases. On the other hand, older individuals, who have less information-seeking skills, lower levels of trust in activists, and often have families, are less likely to report incidents. The percentage of the age group 36–45 is only 13%, and those over 45 years old — 1%.



## THE MOST COMMON VIOLATIONS

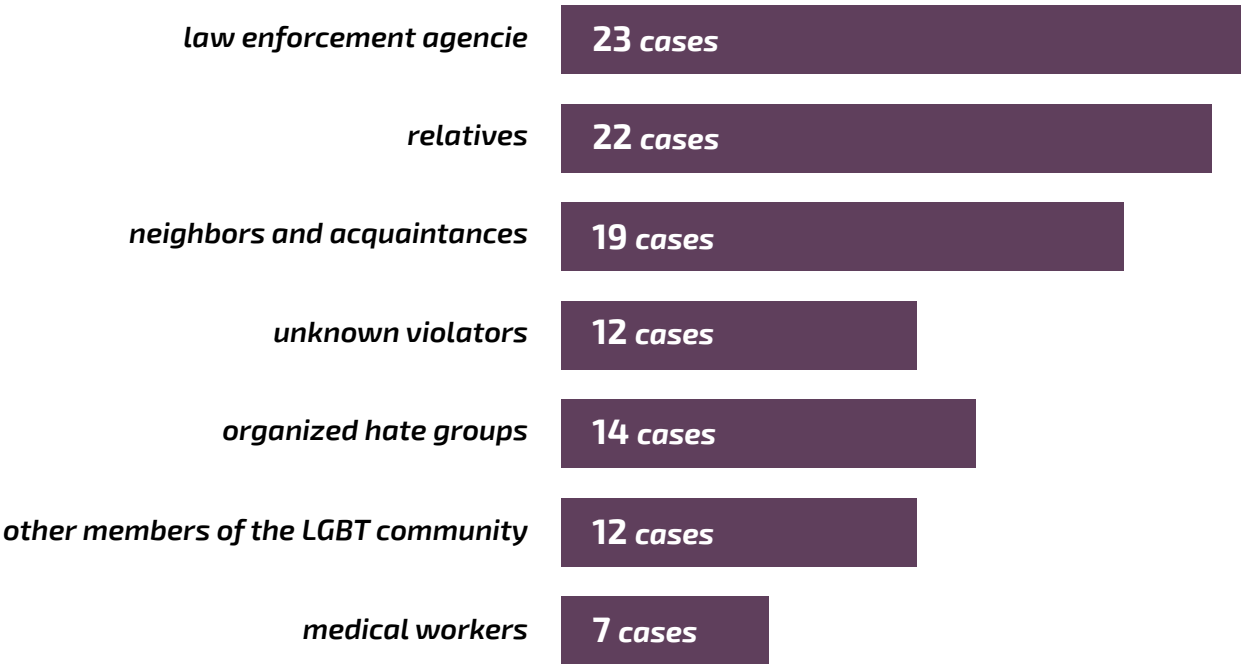


1 murder and 5 sentences were recorded under article 120 of the Criminal Code of the Republic of Uzbekistan.

In 2022, ECOM registered two cases where human rights defenders violated the rights of LGBT people. In **\*** one case, a human rights defender disclosed the victim’s identity to her colleagues using hate speech because the victim had previously sought help regarding a violation related to his sexual orientation. In the second case, an activist from the NeMolchi.uz movement posted messages with hate speech and calls to «report gays to the authorities». These cases demonstrate that LGBT people are marginalized even within the human rights movement.

Among this array of cases, in 5 instances, the victims were convicted under Article 120 of the Criminal Code of the Republic of Uzbekistan (sodomy). In 2 of these 5 cases, the additional qualification was also under Article 113 of the Criminal Code (spreading a venereal disease or HIV infection/AIDS).

## VIOLATORS



**Reasons why victims refuse to defend their rights in any way** (often multiple reasons):

- 🚫 fear of physical violence,
- 🚫 fear of persecution by family members,
- 🚫 previous negative experience of contacting the police or other interaction with law enforcement agencies,
- 🚫 lack of trust in the system,
- 🚫 fear of criminal prosecution (Article 120 of the Criminal Code of the Republic of Uzbekistan),
- 🚫 fear of identity disclosure (outing).

## CONTEXTUAL ANALYSIS OF CASES, EXAMPLES AND CONCLUSIONS

The array of collected cases illustrates multiple unresolved problems in Uzbek society that are largely supported by the inaction of the authorities. Below we analyzed the main ones, grouping them into 4 categories.

1

### ***Homophobia, fueled by the inaction of the authorities, cultivated by the media and some religious leaders***

The problem of high levels of rejection of LGBT people in Uzbekistan is not limited to a single report. Documented cases for 2022, as well as monitoring of publications in the media, show that the problem has not disappeared, but rather worsened.

Comments under homophobic articles in the media indicate support for such rhetoric and its approval. On the other hand, controlled media and censorship prevent the promotion and publication of other materials that in any way contribute to the ideas of equality and tolerance.

*On May 5, 2022, a blogger and feminist activist who describes herself as a human rights defender made a post on her Facebook page in which she spoke derogatorily about the LGBT community, calling them pedophiles, and indicated: «(They) offer their wives and husbands and sell them into slavery», and also urged her audience to report information about members of the LGBT community to law enforcement agencies in order to prosecute them.*



There are several channels in Uzbek social networks that collect and publish information about members of the LGBT community, as well as broadcast hate speech and call for violence and/or reporting information about «identified gays» to law enforcement agencies. A case was also documented of disclosure of personal information and medical information by an employee of a public organization whose job is to advise clients on men's health and keep such information confidential. This, among other things, indicates the impossibility for LGBT people to use the services available in the country and the necessity to work on combating stigma and discrimination, even within civil society.

*On one of the working days, during a homophobic conversation his colleagues were having, X spoke out in support of LGBT people, after which he was harassed at work — his orders took the longest to prepare, other waiters refused to work on his shift, he was kicked out of the common locker room and constantly insulted. After a few weeks of such non-stop bullying, one of his colleagues provoked him into a fight, after which X was fired. Regarding the reasons for the dismissal, he was told: «F\*ggots should not work with us because they ruin the reputation of our establishment».*

*A group of young people went to a concert. During the concert, Y saw his friend, whom he once told about his homosexual orientation and did not receive support. Y wanted to go unnoticed and avoid conflict, but he did not succeed. His former friend joined the company and started telling everyone about Y's homosexuality (this company did not know about it). After this the friends with whom Y came to the concert began to insult and beat him, not letting him leave.*

The problem of homophobia in society is not only a matter of negative personal attitudes towards the LGBT community, but also a problem of the inability of community members to exercise their rights and freedoms, access services and live a fulfilling life on an equal basis with other citizens of Uzbekistan.

*X sought medical assistance at a clinic, complaining of pain. After being examined, X was offered surgery. X informed the attending physician about his HIV status and also disclosed his homosexual orientation. The cost of the operation immediately tripled, and in response to X's complaints, he received the following answer: «I doubt that anyone else will treat you or want to deal with an HIV-positive gay because such individuals are usually not treated in our country, and if they are, it's only to make it worse. You should be grateful that our clinic is willing to accept someone like you». As a result, X had to go to another clinic, where he could receive qualified assistance.*

## **2 Abuse of power by law enforcement agencies (intimidation, blackmail and extortion)**

*X was walking down the street when he was stopped by a patrol and, under the pretext that he looked like a wanted person, they demanded his documents first, and then to show the contents of his pockets and phone. The discovered condoms and lubricant caused ridicule, allegations that X was going to the park for a sex date with his boyfriend, and subsequent insults. X was released, but they took all his cash with the argument «don't get caught again».*

Article 120 in the Criminal Code of the Republic of Uzbekistan (sodomy) is the main reason not only for the abuse of power by law enforcement agencies, but also for their impunity. Because all the coercion in relation to the victims in case of their refusal to give bribes and/or become informers and report on other LGBT people become materials of criminal cases. Article 113 in the Criminal Code of the Republic of Uzbekistan (on the criminalization of HIV transmission) is the reason why torture is possible in the form of forced anal examinations of suspects and defendants.

Cases have been documented when law enforcement agencies initiate meetings with gays or other MSM for the purpose of blackmail or subsequent charges under Article 120.

*X (gay, sex worker) came to a meeting that he arranged online. A police officer was waiting for him in the apartment and, by blackmail and physical violence, forced him to undergo interrogation on camera. After that, the victim was taken to the police department to be interrogated by the investigator. They demanded a list of his sexual contacts and other LGBT people, subjected him to an anal examination and testing for STIs. Charges were filed and the case went to trial. X was provided with a public defender, whose services he could not refuse in favor of his lawyer. As a result, X was convicted on the basis of articles 120 and 113 of the Criminal Code of the Republic of Uzbekistan for a term of 3 years in prison in a general regime colony.*

In total, at least 23 cases of abuse of power by law enforcement agencies were documented during the reporting period. In 5 cases, the victims were punished under article 120 of the Criminal Code of the Republic of Uzbekistan (in 4 of these cases, forced anal examinations were used).

All these cases became possible because consensual same-sex relationships between adult men are criminalized, as well as HIV transmission. Both of these approaches are inconsistent with international human rights treaties and should be abolished.

In addition, an analysis of the political context in the country shows not only the absence of changes regarding proposals to legislation or any other public stance of the authorities that such a norm contradicts human rights standards, international obligations and the Constitution of the Republic of Uzbekistan, but also a movement towards making the situation worse.

The draft of the new Criminal Code of the Republic of Uzbekistan<sup>8</sup> retains the provision on criminalization of voluntary same-sex relationships between adult men. In addition, the Ministry of Internal Affairs presented a draft<sup>9</sup> to approve the compulsory medical examination of persons suspected of HIV infection, identified in the course of «special operational and preventive measures». In this draft, the Ministry of Internal Affairs proposes to conduct compulsory HIV testing for individuals who in this document are classified as a «dangerous group» (sex workers, «homosexuals», people diagnosed with venereal diseases, as well as people who use and/or are suspected of using injectable drugs, «who due to their antisocial behavior belong to a high-risk group»).

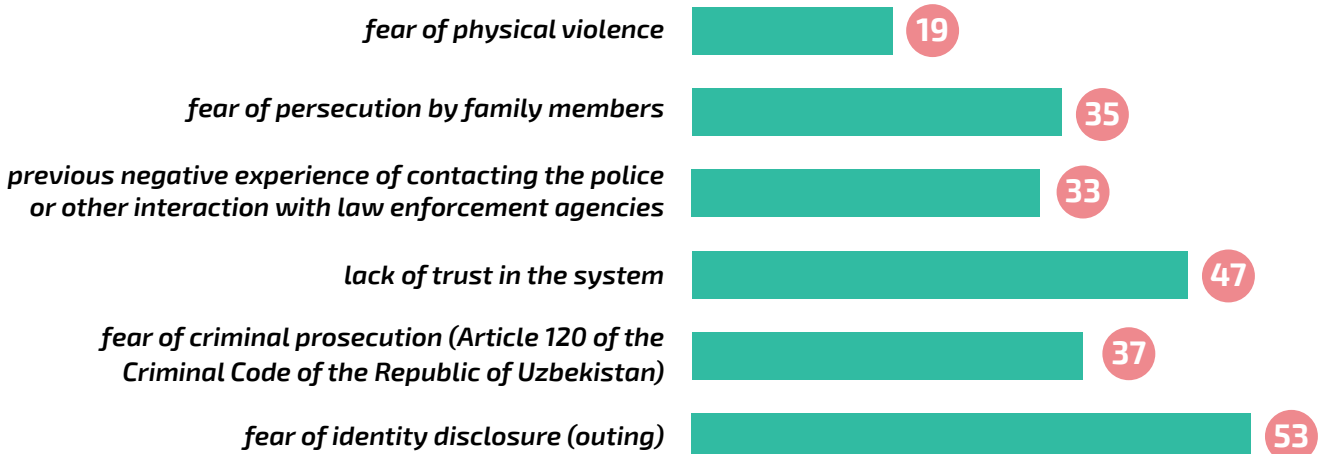
<sup>8</sup> The [draft](#) of the Criminal Code of the Republic of Uzbekistan was submitted for public discussion on February 22, 2021; after discussion it was sent for revision to the Prosecutor General's Office

<sup>9</sup> [Portal](#) for discussing normative legal acts

### 3

## Lack of effective legal remedies in case of violated rights

In the process of documenting the cases, all interviewees were offered legal support and asked if they were ready to defend their rights. 65 responses were received regarding (un)readiness to defend one's rights, indicating the following reasons:



Responses indicating previous negative experience of interaction with law enforcement agencies, lack of trust in the system and fear of criminal prosecution were predominant. It is unrealistic to talk about a possible effective tool for protecting one's rights in a situation where every police report involves the disclosure of identity (including to family members) and may result in counter-accusations under Article 120 of the Criminal Code of the Republic of Uzbekistan.

*X and Y, who live together, had a loud argument which was overheard by their neighbors, who then called the local police officer. During the conversation with X and Y to determine the cause of the conflict, the police officer asked about their relationship, and one of them said that they were a couple. After clarifying the reasons for the conflict, the police officer left their residence. A few days later, the police officer called one of them and «invited» him to the police station to provide testimony. Both X and Y went to the police station, where they were informed that their statement about being a couple could be seen as a reason to accuse them of an offense under Article 120 of the Criminal Code of the Republic of Uzbekistan. They were also offered to «settle the matter» for \$1,500.*

## 4

### Rejection in the family, domestic violence and forced breaks of family ties

*X's parents, having learned about his homosexuality, forced him to pack his belongings and took him from the city to a cottage in the mountains. Before leaving, they took his phone and destroyed his documents (national and international passports). He was insulted and told that he brought shame to the family and was unworthy of being a Muslim. They burned his belongings and locked him in a room at the cottage. In the following days, his relatives forced X to pray and read the Koran, and they physically abused him if he refused to comply. After a few days, they took him to a clinic with a double leg fracture, where under pressure from his relatives he was forced to say that he had fallen in the mountains.*

Cases of psychological and physical domestic violence are the most common reaction from family members to both voluntary disclosure of homosexuality and identity disclosure. There have been documented cases where gay men and other MSM were forced to leave their homes and families and hide from relatives out of fear for their lives.

*Y's father, having learned about his homosexuality, forbade him to communicate with friends or go to university and took away his phone (acquaintances told the father that they saw Y in the company of other young men, holding hands with another man). Y's father beat Y and forbade him to leave the house. Y was forced to take his documents and run away from home.*

There have been documented cases where young men come out to their sisters or other relatives, who then inform the entire family, resulting in rejection, insults, beatings, and expulsion. During the reporting period, one case of family murder and several cases of outings that led to divorces were documented (it is not uncommon for men, under family pressure, to live a double life: marry, have families and at the same time practice sex with men).

*In the summer of 2022, X's mother found out about his homosexual orientation and denounced him to his father and older brothers. X was beaten and demanded to «renounce his orientation», and in the autumn he was forced into an arranged marriage — to a daughter of his parents' friends.*

The reasons described above make it impossible for victims of domestic violence to seek help from law enforcement agencies. There is no support for victims of domestic violence from civil society services.

## RECOMMENDATIONS

### TO THE GOVERNMENT OF THE REPUBLIC OF UZBEKISTAN

- ① To stop restricting civil society; to create transparent procedures for the registration and functioning of various civil associations, as well as the work of international organizations.
- ② To decriminalize consensual same-sex relationships between adult men and unintentional HIV transmission. To rehabilitate individuals convicted under Articles 113 and 120 of the Criminal Code of the Republic of Uzbekistan.
- ③ To introduce mechanisms to monitor the work and investigate complaints of persecution and corruption by law enforcement agencies. To conduct training programs for law enforcement and judicial bodies based on the values of human rights and equality.
- ④ To develop and implement training programs for medical personnel and a patient-centered approach. Medical professionals at all levels must be able to work without stigma and discrimination towards all patients, regardless of their individual characteristics.
- ⑤ To work towards incorporating international human rights obligations into national law, to develop and adopt a law prohibiting discrimination, and to engage in systematic efforts to promote tolerance among both government officials and the general population.

### TO INTERNATIONAL ORGANIZATIONS

- ① To support ECOM's advocacy efforts and advocate for the decriminalization of consensual same-sex relationships between adult men, as well as unintentional HIV transmission.
- ② To conduct and publish information on the monitoring of rights observance of different communities in the Republic of Uzbekistan, with mandatory inclusion of the LGBT community.
- ③ To systematically support the work of civil society aimed at advocacy, monitoring, as well as direct assistance to victims of human rights violations in the Republic of Uzbekistan.

