





# FACT SHEET UZBEKISTAN 2023

*In October 2020, Uzbekistan was elected to the UN Human Rights Council for the period 2021–2023. According to the resolution establishing this Council, the country must «uphold the highest standards in the promotion and protection of human rights»<sup>1</sup>.*

INTERNATIONAL REGULATION THAT UZBEKISTAN COMMITTED TO COMPLY WITH	NATIONAL REGULATION THAT VIOLATES THIS OBLIGATION + EXAMPLES OF LAW ENFORCEMENT PRACTICE
International Covenant on Civil and Political Rights (Article 26 on the prohibition of discrimination)	Article 120 of the Criminal Code of the Republic of Uzbekistan criminalizing voluntary same-sex relationships between two adult men
International Covenant on Civil and Political Rights (Article 9 (1) on the prohibition of arbitrary arrest)	Article 120 of the Criminal Code of the Republic of Uzbekistan criminalizing voluntary same-sex relationships between two adult men
International Covenant on Civil and Political Rights (Article 7 on the prohibition of torture or cruel, inhuman or degrading treatment or punishment) + Convention against Torture (Articles 2 and 16, as well as 14)	Article 120 of the Criminal Code of the Republic of Uzbekistan criminalizing voluntary same-sex relationships between two adult men
International Covenant on Economic, Social and Cultural Rights (Article 17 on the prohibition of interference with privacy)	Article 120 of the Criminal Code of the Republic of Uzbekistan criminalizing voluntary same-sex relationships between two adult men + Article 113 of the Criminal Code of the Republic of Uzbekistan criminalizing liability for intentional and unintentional transmission of HIV

The Republic of Uzbekistan has repeatedly received recommendations from the treaty bodies to amend the Criminal Code and repeal both Articles 113 and 120 as such that lead to systematic violations; the following parties commented on this:

-  the United Nations Human Rights Council
-  the Committee Against Torture
-  the Committee on Economic, Social and Cultural Rights
-  as well as 11 UN member countries during the universal periodic review of the Republic of Uzbekistan in May 2018

The Republic of Uzbekistan systematically ignores all such comments and recommendations.

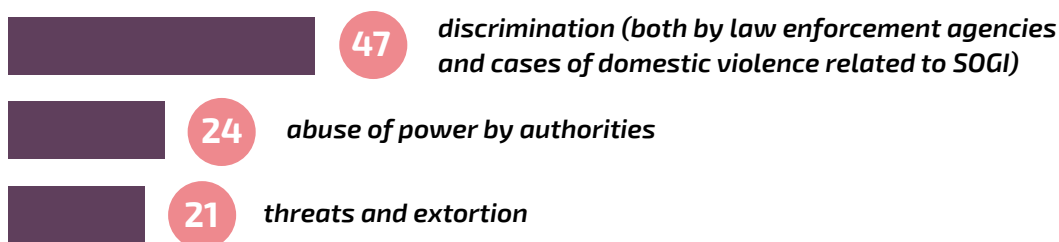
<sup>1</sup> UNGA Resolution, Human Rights Council, April 3, 2006, para. 9 (A/RES/60/251)

The reasons behind this systematicity and scale go beyond repressive national legislation, as can be seen from the illustration above. In 2022, the key characteristics of Uzbek society (nurtured and supported by state repression) were:

- 🔑 low level of knowledge about their rights, low motivation for protests or resistance to the repressive state machine
- 🔑 a fairly high degree of religiousness and religious intolerance towards LGBT people
- 🔑 high level of homophobia among the secular population
- 🔑 low level of trust in civil society institutions
- 🔑 fear of law enforcement bodies
- 🔑 high tolerance threshold for corruption
- 🔑 impunity for abuse of power and other systemic offenses by government officials

The monitoring of individual cases of rights violations of gay men and other MSM in the Republic of Uzbekistan in 2022 illustrates these systemic violations, rooted both in the supported homophobia of the society and in ignorance of law and corruption prevailing in Uzbekistan. In such conditions, the state, not abolishing the repressive provision of the Criminal Code criminalizing consensual same-sex relationships, not only instills fear within the entire LGBT community but also fosters corruption and ignorance.

### 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 when human rights defenders violated the rights of LGBT people. In one case, a human rights activist revealed the victim's identity to the colleagues using hate speech; in the other case, an activist published posts calling for "handing over gays to the authorities." These cases demonstrate that LGBT people are marginalized even within the human rights movement.

## RECOMMENDATIONS TO THE REPUBLIC OF UZBEKISTAN

- 1 Repeal Article 120 of the Criminal Code, which criminalizes voluntary same-sex relationships between two adult men;
- 2 Repeal Article 113 of the Criminal Code, which criminalizes «knowingly putting another person at risk of contracting a venereal disease»;
- 3 Prohibit the transfer of data from doctors about their patients' sexual orientation and gender identity to law enforcement bodies;
- 4 Prohibit the procedure of forced anal examinations as evidence of homosexuality.