

## The State of LGBTQI+ Rights in Uzbekistan

- Uzbekistan **criminalizes** same-sex intimacy. Article 120 of the post-independence criminal code currently punishes consensual sexual relations between adult men with up to three years of prison. This occurs within the context of broader state-sanctioned homophobia, including arbitrary detention, prosecution, threats, and extortion.
- Article 120 is used to prosecute Uzbekistani nationals directly, unlike many countries where criminalization statutes form the foundation of anti-LGBTQI+ discrimination but are rarely prosecuted directly. Uzbekistan's government explicitly acknowledged that more than 40 men were convicted under the law between 2016 and 2020. Civil society reported in April 2021 that at that time, there were 49 men imprisoned under Article 120.
- According to a recent brief by Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM), there were at least four cases of criminal prosecution under Article 120 in 2022. In one case, a man was also punished under Article 113 due to his HIV status and received a sentence of six years in prison, despite the fact that he was on anti-retroviral (ARV) treatment and could not transmit HIV.
- There is widespread, violent homophobia throughout both Uzbekistan's law enforcement and judicial systems. In several of the cases in 2022, state-provided lawyers did not even try to defend the victims, and instead nodded approvingly during prosecutorial speeches in the Article 120 proceedings.
- Routine **forced anal examinations**, considered a form of torture by the United Nations, have been documented by human rights groups, and their frequent application has been confirmed by independent media outlets. Uzbekistan's courts often rely on such widely condemned and discredited "medical evidence" to support criminal convictions under Article 120.
- Both the criminalization of homosexuality and the routine violation of medical privacy harm LGBTQI+ health. People at risk of contracting HIV are afraid to access information or services, and the use of medical records in prosecuting homosexuality means that individuals who know they are HIV-positive often abstain from medical examinations and/or ARV treatment.
- Criminalization hinders access to justice for LGBTQI+ people. Even when faced with violence and abuse from non-state actors, most people avoid turning to the police, as they could be further threatened or prosecuted for Article 120 violations if their sexuality draws the attention of the authorities.
- Decriminalization is a key recommendation that Uzbekistan has received from international human rights bodies, including the United Nations and European Union. Uzbekistani authorities have given signals that they are considering ways of decriminalizing homosexuality, particularly in the context of ongoing legal reforms.
- The existence of the criminal law is not only a violation of human rights and freedoms but also a tool for blackmail and extortion by civilians and law enforcement. According to the ECOM brief, there were at least 16 documented cases in 2022 where LGBTQI+ people arranged dates but instead were met by criminals and then subjected to extortion and violence.
- In 2022, there were at least three documented cases of police officers stopping citizens, conducting searches of the personal correspondence on their phones, and, when finding information about the victim's sexual orientation, threatening them with Article 120 and demanding money.

## What Can Congress Do?

- **Include** LGBTQI+ human rights protections in all reintroduced legislation and resolutions relating to Uzbekistan, including a resolution on **Reaffirming United States-Uzbekistan relations** and the **Uzbekistan Normalized Trade Act**.
- **Raise LGBTQI+ human rights in every meeting with Uzbekistan's government representatives and lobbyists.**
- **Pass or promote** these forthcoming global LGBTQI+ human rights bills:
  - **Greater Leadership Overseas for the Benefit of Equality (GLOBE) Act**. Led by Senators Markey, Shaheen, and Merkley in the Senate and by Representative Titus in the House of Representatives, this comprehensive bill provides a roadmap and the necessary tools for U.S. leadership to advance the human rights of LGBTQI+ communities around the world, including combating criminalization of LGBTQI+ status, expression or conduct.
  - **Global Respect Act**. Led by Senators Shaheen, Murkowski, and Collins and Representative Cicilline, this bipartisan bill imposes visa-blocking sanctions on foreign individuals responsible for, or complicit in, violating the human rights of individuals due to actual or perceived sexual orientation, gender identity, or sex characteristics.
  - **International Human Rights Defense Act**. Led by Senator Markey and Representatives Garcia and Jacobs, this bill protects the human rights of LGBTQI+ individuals by codifying the position of Special Envoy for the Human Rights of LGBTQI+ Persons at the State Department and requiring the State Department to develop a global strategy to respond to criminalization, discrimination, and violence against LGBTQI+ people internationally.

## Additional Resources and Readings

U.S. Department of State, *2021 Human Rights Reports*. April 12, 2022. Available at <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/>

Association for Human Rights in Central Asia (AHRCA), the Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM) and International Partnership for Human Rights (IPHR), *Like Living on a Different Planet: Gays, Bisexual Men and Trans People Vulnerable to Abuse, Imprisonment and Discrimination in Uzbekistan*. June 2022. Available at [https://www.iphronline.org/wp-content/uploads/2022/06/30.05\\_LGBTQI-UZBB-in-eng.pdf](https://www.iphronline.org/wp-content/uploads/2022/06/30.05_LGBTQI-UZBB-in-eng.pdf)

Human Rights Watch, *Uzbekistan: Gay Men Face Abuse, Prison*. March 23, 2021. Available at <https://www.hrw.org/news/2021/03/23/uzbekistan-gay-men-face-abuse-prison>