**Human Rights Violations of Trans\* People in Uzbekistan**

An “alternative report”

as a commentary on

the Sixth Periodic Report CEDAW/C/UZB/6

to the List of Issues

78th Pre-Sessional Working Group

Committee on the Elimination of Discrimination Against Women

Review of the sixth periodic report by Uzbekistan

June 2020

**Human Rights Violations of Trans\* People in Uzbekistan.** An “alternative report” as a commentary on the Sixth Periodic Report CEDAW/C/UZB/6 to the List of Issues. 78th Pre-Sessional Working Group Committee on the Elimination of Discrimination Against Women Review of the sixth periodic report by Uzbekistan.

|  |  |
| --- | --- |
| **ECOM** - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity  [www.ecom.ngo](http://www.ecom.ngo/)  Pärnu mnt 142, Room 13502,  Tallinn, Estonia, 11317  Contact**: Yuri Yoursky**  **(**[**yuri@ecom.ngo**](mailto:yuri@ecom.ngo)**)** | Anonymous **LGBTQI Initiative Group**  Uzbekistan |
|  |  |

1. **Introduction**

Lesbian, bisexual and trans\* (LBT) people in Uzbekistan face numerous problems. LBT women face double stigmatization and oppression – both for their gender and sexual orientation. Violence and discrimination against LBT women in Uzbekistan are rooted in extreme levels of homophobia in the society. This, in turn, is closely linked to the systemic negative impact created by the criminalization of the consensual same-sex intercourse between adult males (Article 120 of the Criminal Code of Uzbekistan). Criminalization of consensual sexual activities between adult males is punishable with up to three-year imprisonment.

This institutionalized violence against gay men has its influence on lesbian, bisexual and trans\* persons as this is perceived as general prohibition of homosexuality and queerness among the general public. LGBT people face numerous intersecting human rights violations in Uzbekistan and the State offers no protection and legal remedies as by criminalization of same-sex intercourse between males it leaves this group of people vulnerable to violence, abuses and even killings.

ECOM remains concerned with Uzbekistan’s Government refusing to discuss its international obligations in ensuring non-discrimination and protection of human rights of LBT women. It worth noting that during Universal Periodic Review in 2018, Uzbekistan rejected all 11 recommendations related to SOGI, while accepting all others.

This report is developed prior to the issuance of the List of Issues to be raised by the CEDAW to Uzbekistan in consideration of its 6th report.

1. **Stereotypes and harmful practices**

The government of Uzbekistan strongly resists its obligations to combat stereotypes and harmful practices leading to discrimination and violence against women. Moreover, it refuses to discuss openly problems of LBT women and their intersecting oppression. Uzbekistan has adopted the policy of propaganda of so-called “Spirituality and Morality”. This programme assumes the work of Publican Council on spirituality and enlightenment, including the highest ranked officials. Among others, it aims to “conducting effective propaganda work to combat internal and external interventions against […] national values and traditions”.[[1]](#footnote-1) This programme also directed at the development of “ideological immunity”[[2]](#footnote-2) of young people and series of events of “Family is sacred hearth”. It worth noting that the national traditions and values represent patriarchal relationships where the main role of women is limited by mother and housewife. In 2018 the Embassy of Uzbekistan wrote about “preparing girls to marriage”.[[3]](#footnote-3)

This approach is further translated to TV programmes and printed and online Mass Media. Considering existing censorship practices, analysis of the TV shows dedicated to the role of women in the society demonstrates the patriarchal relationships being valued and nurtured by having such programmes as Zirapcha (Thorn) – TV series trying to turn masculine women into more feminine and compliant with national tradition women. “Mening Qaynonam General” (My Mother in Law is a General) a TV show where woman cooks under the supervision of her mother in law. “Kelin Kuyov” (Bride and Groom), “Tuygacha” (Before Marriage) and numerous others. In such TV shows, authors openly promote stereotypes on how to educate girls to be good wives and mothers and other patriarchal attitudes.

Promoting a “good wife” image strongly affects lesbian, bisexual and trans\* women as it pressures both women and their extended families to conform these values and increases oppression against women. Patriarchy promoted openly by the Government of Uzbekistan under the slogans of “traditional or national values” attacks LBT women strongest. In order to satisfy the stereotypes around women’s role in the society as a good wife and mother, relatives of lesbian women forced them to get married. Marriage becomes continuous abuse for lesbians as once she is forced to marry there is very few ways for her to get a divorce. Government adopted a policy of preventing divorces.[[4]](#footnote-4) It introduced quazi-judicial obstacles for women to get divorce even if they are facing violence and abuse in marriage.[[5]](#footnote-5) These measures have negative effects on women primarily, forcing them to return to abusive relationships and putting their wellbeing under risk.

Trans\* women are punished for violating the image of masculine men and as women are considered to be inferior to men in the national traditions such transfer is perceived to be demeaning to traditions and culture. Thus, the cases of violence against trans\* women are so frequent and cruel (discussed in the next section).

Furthermore, there is no definition of hate crimes in the legislation of Uzbekistan and it is not recognized as aggravating circumstances by the law enforcement. Still, hate crimes against LGBT people are increasing. This is seen to be systemic issues as existence of the article 120 in the Criminal Code of Uzbekistan signals of the general prohibition of homosexuality in Uzbek legislation.

Moreover, this is strongly affects trans\* women as they face violence for not being “proper men” in the eyes of society. We believe that promotion of appropriate masculinity that comes along with obedience of good housewife and mother puts enormous pressure on people determining their own gender identity. The cases of violence, ill-treatment and killings of trans\* people are discussed in the appropriate section.

1. **Violence against lesbian, bisexual and trans\* women**

Homophobia and hate powered by the criminalization of same-sex intercourse has its negative impact on lesbian and bisexual women in Uzbekistan. LGBT activists of Uzbekistan recorded cases of human rights violations against lesbian and bisexual women, including assaults, humiliations, loss of jobs, forced marriages, correctional rapes. LGBT activists in Uzbekistan recorded cases of suicides committed by LBT women. One case, particularly, demonstrates people and authorities’ attitudes towards lesbian women in Uzbekistan:

*20 years-old lesbian woman committed suicide as a result of her parents’ rejection of her sexuality and planned forced marriage. Both parents and militia officers agreed to register this case as a heart attack in order to avoid investigation.*

In September 2019, the Government of Uzbekistan adopted the law “On Protection of Women from Harassment and Violence” defining different types of violence against women. We welcome the adoption of this long-awaited law. Despite the fact that this law provided numerous useful definitions on violence against women, it lacks clear definition of marital rape, implacable to lesbian and bisexual women in cases of forced marriages. It is noteworthy that under this law, Government introduced protection order for domestic violence victims. However, there is no enforcement mechanism in place against the breach of protective orders.

The harassment and persecution trans\* women face in Uzbekistan is cruel, humiliating and degrading. In majority of case trans\* women are harassed by representatives of law enforcement during documents check. However, authorities approach to silence and even reject the problems of trans\* people leads to high levels of prejudice and hatred in the society. Local activists reported groups named TashGangs and AntiGay, communicating through the Telegram messengers and some other hate groups in VKontakte social media service. These groups are posting videos of how they humiliate, insult, beat and sexually abuse gay people. Moreover, they are offering money for other groups who will be doing the same and sharing videos with them. Our partner organization recorded numerous cases when trans\* people were abused by authorities, some of them were published in the Mass Media sources:

*A trans\* woman from Samarkand faced numerous harassments including when travelling from the country during passport control. In September 2018 the trans\* woman was travelling outside of the country and she was requested to undergo personal physical check. She was taken to the utility room by two male officers breaking all legal procedures required during such searches. She was stripped naked and insulted. Afterwards, this trans\* woman made numerous complaints on it, but every time she received snide responses.*

*In January 2016, Radio Ozodlik shared a video on which two militia officers cruelly beat trans\* person.[[6]](#footnote-6) There were numerous videos on the Youtube when groups of men were attacking and severely trans\* person.*

*26 years-old trans\* woman K. claimed that she was raped by militia officer 3 January 2017 when she was detained. Perpetrator’s name and details of this incident she provided in her application for asylum. She also stated that she was detained three times before January 2017. “They detain person in the night and do not record the fact of detention. If something happens to you, there is no possibility to prove anything. In the case if they write protocol, then they record that the person was detained to identify their personality, says K. They beat you badly, so you can only lay down 5-6 days.[[7]](#footnote-7)*

1. **Health**

*Reproductive rights*

Access to health of LBT women is complicated due to their sexual orientation and gender identity. There are no training programmes for healthcare professionals on caring about homosexual, bisexual or trans\* women.

Despite proclaiming protection of the reproductive rights, the new law on “Protection of Reproductive Health of Citizens”[[8]](#footnote-8) has some controversial issues. Article 11 of this law states: “Medical interventions during pregnancy are undertaken with written consent of both spouses, when one is absent – with consent of woman or her parents. Primarily this clause is discriminatory against women, in general, as when it comes to reproductive health of men no consent is required from the spouse or parent under the same law. In the case of lesbian, bisexual women forced to marriage this law puts them even in more vulnerable position.

*Trans\* people*

Although the legislation of Uzbekistan provides the possibility to change sex, the trans\* people are not recognized in Uzbekistan. The Family Code of Uzbekistan provides a possibility to change gender identity in the following: Article 201 provides that the change of gender is recorded in the acts of civil registry; further Article 229 provides that gender amendment is possible with the conclusion of health authorities.[[9]](#footnote-9) In practice this procedure is carried out through the examination of psychiatrists, meaning that trans\* person needs to go through the at least 1 month hospitalization psychiatric clinic. In cases if doctors are unsure they can keep person hospitalized for longer. This is humiliating procedure needs to be reconsidered. Those refusing to go through psychiatric examination procedure risk higher as maintaining the documents showing gender contradicting to their appearance.

There are almost no specialists in Uzbekistan dealing with hormonal issues of trans\* people. Moreover, the general access to medical care is limited. Trans\* people reported numerous cases of humiliation for their appearance even referring to general practitioners in polyclinic level. The health of trans\* people deteriorates in the absence of adequate access to the healthcare facilities.

*LBT women living with HIV*

LBT women’s access to healthcare related to their HIV status is limited. Women are reluctant to test as under the Uzbek law HIV-positive people are obliged to disclose their sexual partners to authorities under the article 57 of the Code on Administrative Liability. While overwhelming majority of lesbian and bisexual women conceal their sexuality even from their relatives. Moreover, LGBT communities in Uzbekistan reported cases when after testing their HIV status was disclosed to *mahalla* committees, local responsible militia officers and neighbors despite provisions of Uzbek law on confidentiality of personal medical information. Currently, these people are facing stigmatization and some of them were forced to change their residence place, in order to protect their privacy.

Besides, confidentiality of HIV testing process is not provided in full. Testing centre in Tashkent, for example, is equipped with cameras.

Fearing above discussed, LBT women, even if they know of the positive HIV status, refuse to apply for ART treatment as it means that will have to undergo medical examinations that do not respect the right to confidentiality as medical personnel is obliged to inform other relevant authorities of newly identified cases of HIV-infection.

1. **Employment**

Homosexual women face tremendous discrimination at workplace when their sexuality is suspected or discovered. The risk of unemployment acts as a particularly strong disincentive for lesbian women to reveal their sexual orientation. As if her sexuality is anyhow disclosed, she is under high risk of dismissal. The Labour Code of Uzbekistan lack defining the discrimination on the basis of sexual orientation. Homosexual women face harassment at workplace they could be fired based on their appearance or behaviour not related to work duties.

*A lesbian woman was working as sports teacher in school. Parents who lived nearby her complained to the school director that they don’t want masculine woman who might be lesbian to teach their children. This way she was fired in 2016. Moreover, director informed all his colleagues in the same area about the reason of her dismissal. She managed to find a job only in 2018 in the different region.[[10]](#footnote-10)*

Trans\* women are forced into sex work as no other employment is available for them as a result of existing stigma and prejudice. They become easy victims of trafficking in person and are forced to work in illegal facilities in different countries of the world.

1. **Education**

In its previous Concluding Observations, the Committee recommended to “(b) Review school curricula and textbooks to eliminate gender stereotypes and integrate age-appropriate education on sexual and reproductive health and rights into the curricula, including sex education for adolescent girls and boys covering responsible sexual behaviour”. The national curricula provide no systematic sex education apart from occasional visits of gynecologists without any age-appropriate programme. It is clear that there is no discussion of sexual orientation and gender identity during these visits. Furthermore, gynecologists are not entitled to discuss any of these topics limited by the discussion of sexually transmitted diseases.

Contrary to the sex education, government introduced lessons of religion history. However, this was done without appropriate training of teachers and mainly children were taught history of Islam. Parents reported numerous cases when these lessons were used to promote stereotypes of women being obedient on religious grounds and criticizing western tolerance of what they call “sinful” homosexual relationships and sex before marriage.

1. **Political Participation - Freedom of Association**

In the situation when political activism is strong suppressed, Uzbek LBT women cannot raise their voices in the country even using their basic freedom to form and join associations related to their sexuality and gender identity. There are following reasons for LBT women in Uzbekistan being invisible and silenced in addition to fearing for their personal safety hampered by stigma and homo and transphobia in the society. Contrary to the international obligations of Uzbekistan[[11]](#footnote-11), the registration of nongovernmental organisations takes permissive character rather than nominal inclusion to the state registry. Meanwhile, groups of citizens united without state permission i.e. registration are subject to heavy penalties[[12]](#footnote-12), arrest and up to 3-years imprisonment[[13]](#footnote-13).

Criminalization of consensual homosexual relations affects freedom of association LBT women in Uzbekistan. On one hand, there is literally no possibility for civil society organisations to conduct advocacy work on combating homophobic stereotypes and stigmatization of LGBT people due to heavy restrictions on freedom of associations and speech in Uzbekistan. On the other, hand LGBT people cannot even apply for registration of LGBT organisation as it would mean they will have to declare their sexuality as the registration process requires providing list of founders with full details of each person. Particularly, article 22 of the NGO Law list documents that needs to be submitted for registration, including full personal details of persons anyhow involved with NGO creation. With existence of article 120 of the Criminal Code, LBT women still feel unprotected from persecution for applying to registration and declaring homosexuality on paper to authorities. Moreover, there are numerous cases when other women’s NGO were constantly refused registration, on the basis of purely contrived bureaucratic grounds.

Registered NGO in Uzbekistan are also highly restricted in terms of the issues they can raise. Primarily, they are obliged to work within the boundaries of their Charter under the monitoring of Ministry of Justice as registering body; otherwise, they are subjected to heavy penalties.[[14]](#footnote-14) Law also provides Ministry of Justice with powers to control funding received by nongovernmental organizations: prior to grant proposal submissions, NGO are obliged to seek permission of registering body.[[15]](#footnote-15) In addition, registered NGO in Uzbekistan must have Ministry of Justice’s permission and provide access to any event conducted.[[16]](#footnote-16) Consequently, there is no possibility for registered NGO to open up the discussion on combatting homophobia without consequences of losing registration, being not allowed to work further or prohibited from accessing external funding.

Currently, LBT women live in the environment when government is reluctant to abolish the criminal persecution of consensual homosexual intercourse and it is impossible for LBT activists to register NGO and openly advocate for their basic rights and freedoms and combat homophobia. LBT activists are being trapped in the circle of violence where on one hand they are under high risk of imprisonment and on the other hand, they have no voice to advocate for their freedoms and non-discrimination.

1. **Conclusion**

Lesbian, bisexual and trans\* women in Uzbekistan live in stigma and marginalisation on the daily basis. They have to face extreme levels of homo and transphobia institutionalized by the Government policies. In addition, they have to deal with imposed stereotypes on the role of women in Uzbek society and frequently become victims of forced marriages and domestic violence. Considering the general levels of women’s oppression in Uzbek society, it worth noting that LBT women face stigmatization and oppression for their sexuality in addition to their gender. Their access to healthcare, safe and non-discriminatory education and employment exacerbates if their sexuality is disclosed.

1. **Questions:**

ECOM urges the Committee to ask the Government of Uzbekistan:

* What measures have been taken to ensure protection of women against discrimination on the basis of sexual orientation and gender identity?
* How Uzbekistan counters stereotypical attitude towards lesbian, bisexual and trans\* women?
* Please provide segregated data on the cases of violence against LBT women.
* How does Uzbekistan provide definition for hate crimes and are there any aggravating circumstances?
* How access to healthcare free from stigmatization is provided to of lesbian, bisexual and trans\* women? Is there any comprehensive training programmes available for healthcare professionals to ensure the respect of privacy rights and confidentiality of testing and treatment?
* What support is provided for lesbian, bisexual and trans\* women living with HIV? How their rights to privacy and confidentiality of medical information is being respected?
* Does provision on labour relations prohibit discrimination on the basis of sexual orientation and gender identity?
* Provide information on age-appropriate sex education programme being included in the national curricula?
* Provide statistical information on registered LGBT organisations in Uzbekistan?

1. Decree of the president of Uzbekistan “On additional measures to increase effectiveness of spiritual-enlightenment work” 04.05.2019 <https://lex.uz/docs/4320702?query=%D0%BD%D0%B8%D0%B7%D0%BE%D0%BC%D0%B8> [↑](#footnote-ref-1)
2. Ibid Programme of Measures, para 12 [↑](#footnote-ref-2)
3. <https://www.uzbekistan.de/de/node/12370> [↑](#footnote-ref-3)
4. Decree of president of Uzbekistan “On Approval of the Conception of Family Strengthening in the Republic of Uzbekistan” 29.06.2018 <https://lex.uz/ru/docs/3797628> [↑](#footnote-ref-4)
5. On involvement of the mahallya’s Reconciliation Committee in divorce procedures. 03.01.2018 [https://www.norma.uz/novoe\_v\_zakonodatelstve/primiritelnuyu\_komissiyu\_uvedomyat\_o\_razvodyashchihsya#](https://www.norma.uz/novoe_v_zakonodatelstve/primiritelnuyu_komissiyu_uvedomyat_o_razvodyashchihsya) [↑](#footnote-ref-5)
6. Radio Ozodlik article <https://rus.ozodlik.org/a/27467993.html> [↑](#footnote-ref-6)
7. https://www.currenttime.tv/a/28956669.html [↑](#footnote-ref-7)
8. Adopted on 11 March 2019 [↑](#footnote-ref-8)
9. Family Code of Uzbekistan, <http://lex.uz/docs/104723#161914> [↑](#footnote-ref-9)
10. IG interview March 2017 [↑](#footnote-ref-10)
11. Article 22, ICCPR, signed by Uzbekistan in 1995. [↑](#footnote-ref-11)
12. Article 239 Code of Administrative Liability of Uzbekistan [↑](#footnote-ref-12)
13. Article 202, Code of Administrative Liability of Uzbekistan and Article 216, Criminal Code [↑](#footnote-ref-13)
14. Article 239 Code of Administrative Liability of Uzbekistan [↑](#footnote-ref-14)
15. article 8, Law on Nongovernmental Noncommercial Organizations of the Republic of Uzbekistan [↑](#footnote-ref-15)
16. Ibid. [↑](#footnote-ref-16)