

Submission on Uzbekistan

Third Round of the Universal Periodic Review-December 2008

This report is submitted by: LGBT Organization Labrys (Kyrgyzstan) and Sexual Rights Initiative (a coalition including Action Canada for Population and Development; Creating Resources for Empowerment and Action – CREA- India; Mulabi, Latin American Space for Sexualities and Rights; and others).

1. This report deals with **sexual rights** in Uzbekistan and makes references specifically to the **right to freedom of association for non-governmental organizations in the area of sexual and reproductive rights; lesbian, gay, bisexual and transgender people (LGBT); HIV/AIDS; reproductive rights; sexuality education/information; and early marriage.**

Summary

2. This report highlights the key issues in sexual and reproductive rights in Uzbekistan. The report stresses that **the legal, political and social climate** in Uzbekistan does not allow for efficient work of non-governmental organizations in the area of sexual and reproductive rights. Fear of repression does not allow activists to work on issues ranging from the rights of people living with HIV to gender education. Most state and non-state **sexual education programs are oriented towards married heterosexual couples only**, leaving other population groups without access to means of protecting themselves from unwanted pregnancies and sexually transmitted infections including HIV. **Forced sterilization and controlling reproduction through imposing fines as practiced** in Uzbekistan constitute serious violations of reproductive rights. **Criminal charges for sodomy** ('muzhelozhstvo') between consenting adult males put gay, bisexual men and transgender people in vulnerable situations and limit their access to HIV prevention.

Background

3. Uzbekistan is not a member of the Human Rights Council but has reported to the Human Rights Committee in 2005. It has ratified all major UN Conventions, specifically the Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Civil and Political Rights, Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.

4. Since its independence from the Soviet Union in 1991, there have been repeated claims of unjustified restrictions to citizens rights to, among others, personal liberty and security of the person, participation in political life, freedom of expression and freedom of association. The economy of Uzbekistan is unstable and heavily relies on informal shadow economy, which leaves a significant percentage of population in poverty.

5. Repression against human rights activists, religious groups and the majority of the male population which followed a popular uprising in 2005 weakened civil society that is the key agent to do work on social issues, including sexual and reproductive rights (See also para. 7-8).

6. Traditional gender roles require men to be breadwinners and women to remain at home and take care of the large (five or more children) families. Women are expected to

be passive and obedient. They are discouraged from working outside the home and mostly encouraged to see marriage and children as the main purpose of their life. Due to economic pressure during the transition period, the traditional gender roles were challenged because women had to work to earn an income and sometimes to replace the young men who had been put under surveillance and pressure by the government.

Right to freedom of association for non-governmental organizations in the area of sexual and reproductive rights

7. One of the key concerns for sexual and reproductive rights in Uzbekistan is directly connected to the Uzbek state's position in relation to non-governmental organizations. A number of international organizations have been deregistered and expelled from Uzbekistan on the grounds of 'activity against the state'. It is common to find a line stating that 'activities discontinued due to political reasons'¹ in reports about HIV/AIDS situation. The most common reasons officially given for such discontinuation are problems with paperwork or claims of the affected organization having failed to follow its mission. The state has set up a number of quasi-NGOs, which distribute the funding to other non-governmental organizations that follow official policies and agree not to disclose data or research findings on critical issues (number of HIV cases, for example) to non-state actors.

8. The Uzbek state did not renew registration of crisis centers and has used pressure against non-state-controlled women's organizations. Due to this limitation access to reliable and alternative information about sexual and reproductive rights for the general population is limited. The state monitors the information available to the public.

9. Recommendations

- Provide a friendly environment for NGOs working on the issues of sexual rights, including LGBT rights, reproductive health and rights, and HIV/AIDS, by inter alia, lifting all unjustified restrictions; promulgating a law to regulate the activities of civil society organizations that is in full accordance with international human rights standards as ratified by Uzbekistan; conducting proper investigation of NGOs closures, punishing those responsible for unjustified closures and restoring their legal personhood to the organizations affected.

Sexual orientation and gender identity-based discrimination

10. According to Article 120 of the Uzbek Criminal Code *muzhelozhstvo* (homosexual sexual relations between men) can be punished with up to three years of imprisonment. This article has remained in place from the Soviet era and was removed in the majority of other post-Soviet countries. Reports state that in the years 2000-2004 at least 70 men have been serving prison sentences convicted on the basis of Article 120.⁴ Existence of criminalization provides an opportunity for the police to blackmail gay and bisexual men, who are terrified of disclosure particularly before their families. A number of cases are known in which the police would use newspaper personal ads to reach out to gay and bisexual men and either arrest or blackmail them. Gay clubs and cruising areas in Tashkent are also frequented by police, in their pursuit of opportunities for blackmailing.

¹ WHO Summary Country Profile for HIV/AIDS Treatment Scale-Up: Uzbekistan (2005)

⁴ International Research Center on Social Minorities Report 'Sexual Minorities in Uzbekistan' (December 2005)

11. The state used Article 120 to persecute a human rights activist, Ruslan Sharipov, who is now living in the United States after the intervention of international human rights organizations. Two colleagues of Sharipov have been detained and interrogated on Article 120 charges in 2004.⁵ In 2007 a prominent theater director whose plays contained homosexual characters was stabbed to death in Tashkent⁶. Without any solid evidence to sustain the accusation, the police arrested Oleg Sarapulov, a journalist, who was known for addressing the rights of LGBT people in his reports and charged him with the murder⁷. This case is illustrative of the misuse of the criminalization of same sex contacts as grounds to silence activists.

12. LGBT people in Uzbekistan live in fear and a number of them migrate abroad. LGBT people in rural areas are subject to violence and harassment from their families and peers. Most of them break off all social networks in order avoid disclosing their sexual orientation or gender identity. Families disown their LGBT relatives and may turn to violence in order to cover what they consider 'shame for the family'. None of these human rights violations are reported to the police because of the existence of Article 120 and overall lack of trust to law enforcement bodies. There are no other laws that could help address family or street violence against LGBT people.

13. LGBT organizing to pursue respect of their human rights is impossible due to existing political and social climate.

14. Lesbian, gay, bisexual and transgender people along with sex workers are targets of ridicule and reproach by the media, mostly controlled by the State. State media use judgmental and offensive language regarding these groups and use the public disapproval of them to discredit non-grata international organizations (for example, Human Rights Watch).⁸

15. Recommendations:

- Repeal article 120 of the Criminal Code.
- Conduct proper investigations on police blackmailing of the LGBT people, duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices
- Develop legislation to address family violence and hate crimes against LGBT people

HIV/AIDS

16. Uzbekistan has the highest number of HIV infections in Central Asia. There is an increase in the number of new infections. Activists report that the number of registered cases has been concealed by the state. UNAIDS estimates the number of HIV cases in 31.000 HIV which is 0,2% of the population.⁹

⁵ Sexual Minorities in Uzbekistan (2005)

⁶ http://www.gay.com/content/tools/print.html?coll=news_articles&sernum=2007/09/07/2&navpath=channels/news (accessed 29 June 2008)

⁷ Article about Sarapulov in Russian <http://www.ferghana.ru/article.php?id=1722> (accessed 29 June 2008)

⁸ Link to series of articles condemning Human Rights Watch and LGBT people : <http://press-uz.info/index.php?title=home&nid=544&my=042008&st=0> (accessed 29 June 2008)

⁹ WHO Summary Country Profile for HIV/AIDS Treatment Scale-Up: Uzbekistan (2005)

17. According to UNDP, the existing services cover no more than 1 per cent of the vulnerable groups. Sex work, drug use and homosexual sexual contacts are criminalized which results in further marginalization of these groups and their lack of access to prevention and/or treatment services.¹⁰

18. Increased migration and lack of comprehensive sexual education may contribute to even higher transmission rates. General population perceive HIV/AIDS as only an issue for the risk groups and do not take into account while making choices related to their sexual activity¹¹, as evidenced by only 2% of those women surveyed for Demographic Health Survey reporting condom use during their last sexual intercourse.¹²

19. Public opinion and criminalization contribute to the dismissive attitude shown by civil society groups and the government towards LGBT people. This specifically affects HIV prevention programs that have a mandate to work with men who have sex with men (MSM). HIV organizations are either reluctant to work with MSM due to prejudice or are advised informally by State officials not to work on these issues.

20. Recommendations

- Expand HIV prevention programs to include LGBT people
- Full disclosure of information and statistics to ensure adequate assessment of the pandemic, awareness rising among the population and provision of services, including prevention.

Sexuality education/information

21. Sexuality issues are rarely discussed in Uzbek homes due to taboo on sexuality. The parents themselves believe that sexuality education should take place at home but usually do not talk about it. At school teachers see sexuality as a private matter and are silent about the issues related to sexuality. Strong emphasis is put on marriage culturally and young people are expected not to ask questions about sex until they are engaged or married. Mahallas, traditional neighborhood units mostly comprised of elders, who are assigned decision-making powers by the state, are expected to inform married couples about sexuality and reproduction. Yet the majority of young people find mahallas rather unapproachable as they usually may take actions to address the issue that they consider immoral, that is, they might tell parents or neighbors

22. Medical institutions also follow traditional views and may ask questions about the patient's personal life especially regarding the loss of virginity in case of women. Unmarried women are afraid of visiting gynecologists due to the widespread social belief that only women who lost their virginity may have gynecological health issues.

23. Most of the information on contraception and reproductive health is directed towards married couples.¹³ There are few options for non-married young people, LGBT people or sex workers to receive information about sexual health.

24. Recommendations:

¹⁰ <http://www.irinnews.org/country.aspx?CountryCode=UZ&RegionCode=ASI> (accessed 29 June 2008)

¹¹ Buckley, Barrett, Asminkin 'Reproductive and Sexual Health Among Young Adults in Uzbekistan' Studies in Family Planning vol. 35 March 2004 p. 11

¹² Demographic Health Survey 2002 cited in Buckley, Barrett, Asminkin 'Reproductive and Sexual Health Among Young Adults in Uzbekistan' Studies in Family Planning vol. 35 March 2004 p. 11

¹³ Demographic Health Survey 2002 cited in Buckley, Barrett, Asminkin 'Reproductive and Sexual Health Among Young Adults in Uzbekistan' Studies in Family Planning vol. 35 March 2004 p. 7

- Develop state programs of sex education for non-married young that are safe, peer-to-peer, accessible, and non-judgmental.
- Develop a code of conduct for medical personnel to protect patients' right to privacy.
- Work with mahallas and other communities to dispel myths that are damaging for the full enjoyment of individuals, and particularly women's reproductive rights and health.

Reproductive rights

25. In terms of sexual rights, reproductive rights are the other key use of concern in Uzbekistan. The use of male condoms is very low because of a common belief that only women are responsible for contraception.¹⁴ The traditional size of an Uzbek family is of at least four children.

26. Due to economic decline and slow transition to market economy, Uzbek government became concerned with the demographic situation and decided to introduce programs which would help decrease the number of children in families. In addition to official information programs, there were unofficial orders from the state to use different means to reduce reproduction. In 2005 there were reports of medical officials dismissed for failing to reduce the birth rate. Women reported that they have had IUDs inserted without their consent and there were cases of forced hysterectomies performed on health uteri.¹⁵ Women aged 25 and younger who already had two children were the most common subjects for forced IUD insertion or hysterectomy. At present maternity hospitals have announcements about fines being imposed on families for having their third child.

27. Government restrictions on obtaining information limit monitoring of further use of these methods for forced sterilization and contraception. Media are mostly controlled and owned by the state and channel information using government decrees and policies. The criminal code adopted in 2004 criminalizes reporting about issues 'hostile to Uzbekistan' or critical of the human rights situation in the country.¹⁶ They also use self-censorship not to raise the concerns that the state intends to conceal. Among the journalists the issues of state control over birth rates –as well as unemployment or migration - are taboo issues. Even for the independent, usually foreign, media it is hard to find reporters covering social or political issues in Uzbekistan.

28. Recommendations

- Develop state programs that focus on contraceptive use (with emphasis on condoms) that would encourage informed consent about the use of contraceptives
- Lift all restrictions and censorship on media reports
- Widely disseminate information about contraception and sexual health

¹⁴ AIDS in the Commonwealth of Independent States 2008 Map Report p. 42

¹⁵Institute of War and Peace Reporting Special Report: Birth Control by Decree in Uzbekistan

http://www.iwpr.net/index.php?apc_state=hen&s=o&o=p=rca&l=EN&s=f&o=238837 (accessed 26 June 2008)

¹⁶ International Crisis Group Report <http://www.crisisgroup.org/home/index.cfm?id=5477> (accessed 19 July 2008)

- Work with communities, and particularly with men, to dispel myths and beliefs that affect reproductive rights and health.
- End all practices of forced sterilization and forced contraception and conduct investigations to find the public officers responsible for such practices and duly punish them.

Marriage patterns

29. About 90% of the Uzbek population is married by the age of 25.¹⁷ Women usually marry before turning 20 and men marry around 22-25. Sex before marriage is stigmatized for women and there is a practice of displaying bed sheets after the wedding night for the relatives to see that the blood from first intercourse is present.

30. Recommendation:

- Work with communities to transform traditional beliefs and practices that are discriminatory and/or harmful to women (CEDAW Convention, Article 5.a)

¹⁷ Buckley, Barrett, Asminkin 'Reproductive and Sexual Health Among Young Adults in Uzbekistan' Studies in Family Planning vol. 35 March 2004 p. 7