

2014-03-24

## Fråga-svar

### Uzbekistan. HBTQ

#### Fråga

Hur ser situationen ut för HBTQ-personer och vilket skydd kan de få från myndigheterna i Uzbekistan?

#### Svar

US Department of State (2014):

Sid. 33

**” Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Sexual relations between men are punishable by up to three years’ imprisonment. Although there have not been any known arrests or convictions under this criminal provision since 2003, according to the lesbian, gay, bisexual, and transgender (LGBT) community, police and other law enforcement personnel used the threat of arrest or prosecution to extract heavy bribes from gay men. The law does not criminalize same-sex sexual activity between women.

Same-sex sexual activity is generally a taboo subject in society, and there were no known LGBT organizations. There was also no known violence against the LGBT community. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care, but this may be attributed to the social taboo against discussing same-sex relationships rather than to equality in such matters.”

Human Rights Watch (2014):

**“Sexual Orientation and Gender Identity**

Consensual sexual relations between men are criminalized with a maximum prison sentence of three years. According to a local nongovernmental organization, police sometimes use blackmail and extortion against gay men due to their sexual orientation.”

Riksförbundet för homosexuellas, bisexuellas och transpersoners rättigheter. RFSL (2014):

“ Sexuella kontakter mellan män är förbjudna och bestraffas med upp till tre års fängelse enligt strafflagens artikel 120. Motsvarande relationer mellan kvinnor är inte omnämnda i lagen.

Samkönade par erkänns inte i lag varken vad gäller äktenskap, partnerskap, adoption eller insemination. Det finns heller inget skydd mot diskriminering på grund av sexuell läggning eller könsidentitet.”

Bertelsmann Foundation (2014):

Sid. 26

“Lesbian, gay, bisexual and transgendered (LGBT) persons are widely discriminated against, severely criminalized, and subjected to harassment by police and security forces. “

UN Human Rights Council (July 2013):

Sid. 11

“88. On questions regarding the decriminalization of homosexuality, the Criminal Code forbids consensual sexual relations between men, but this does not apply to women. There are no plans in the near future to repeal this law which reflects traditions that have developed over more than 1,000 years. Uzbekistan in this respect shares the position of the Muslim countries expressed during the discussions of this issue within the Human Rights Council.”

UN Human Rights Council (February 2013):

Sid. 6

“17. The HR Committee was concerned that article 120 of the Criminal Code criminalizes consensual sexual activities between adult males. It urged Uzbekistan to review its legislation and align it with article 26 of ICCPR.<sup>46</sup> It was also concerned about incidents in

which individuals had been harassed, physically attacked or discriminated against on the basis of their sexual orientation.<sup>47</sup>

UN Human Rights Council (Januar 2013):

Sid. 3

“10. CAGSAN recalled that in 2008, Uzbekistan had rejected a recommendation to decriminalize consensual sexual contacts between men, for which article 120 of the Criminal Code envisages imprisonment for up to 3 years. CAGSAN noted that about 500 persons were presently imprisoned under that article. According to CAGSAN, LGBT persons had been harassed, beaten, raped and blackmailed by representatives of law enforcement bodies. CAGSAN recommended that article 120 of the Criminal Code be removed; that legislation be elaborated to counter hate crimes against LGBT persons; and that propaganda of homophobia by the mass media be prohibited.<sup>11</sup>”

GlobalGayz (2012):

“...Needless to say, the LGBT community in Uzbekistan is virtually non-existent as an organization even for health care purposes...”

GlobalGayz redogör i sin artikel för flera rapporter från 2007-2010 om HBTQ i Uzbekistan.

Utrikesdepartementet (2011):

sid. 11

**“19. Diskriminering på grund av sexuell läggning eller könsidentitet**

Homosexuella handlingar mellan män kan enligt lagen bestraffas med fängelse i upp till tre år, men åtal enligt denna paragraf är ovanliga. Kvinnlig homosexualitet har aldrig reglerats i lagstiftningen. Traditionella värderingar gör att homosexuella, bisexuella och transpersoner sällan är socialt accepterade. Personer som väljer att öppet visa till exempel sin homosexualitet kan riskera att utsättas för trakasserier av omgivningen. Från myndighetshåll verkar det däremot inte förkomma någon systematisk förföljelse av homosexuella, bisexuella och transpersoner.

Inga enkönade förhållanden kan registreras eller på annat sätt sanktioneras av myndigheterna.”

Labrys Kyrgyzstan Global Rights, International Human Rights Clinic, Human Rights Program, Harvard Law School (2010):

sid. 3

” Despite these protections established by the Constitution and Uzbekistan’s accession to the ICCPR, lesbian, gay, bisexual, and transgender individuals (LGBT) in Uzbekistan have been denied basic human rights as a result of their sexual orientation and gender identity. Uzbekistan’s laws and policies violate a number of rights laid out in the ICCPR with regards to its LGBT citizens. In particular the country’s criminalization of same sex activities leads to severe discrimination, abuse by law enforcement officials, and drastic curtailment of NGO activities.

Uzbekistan is consequently in violation of Articles 2(1), 26 (Non-discrimination), 17 (Freedom from Arbitrary Interference with Privacy, Family, Home), 7 (Freedom from Torture and Cruel, Inhumane or Degrading Treatment), 21 (Right of Peaceful Assembly), and 22 (Freedom of Association).”

Hivlawcommission.org (2011):

Sid. 9

“In Uzbekistan, a prominent gay rights and HIV advocate and psychologist, Dr. Maxim Popov, was arrested on return from a UNAIDS meeting carrying UN educational materials for MSM which were deemed to be “pornographic” by airport authorities. He is now serving a seven-year sentence for this “crime”.<sup>45</sup> And again, the withholding of HIV preventive materials through this action is a direct inhibition on Uzbekistan’s HIV response.”

Uzbekistan. Lagstiftande organ, *Criminal Code of the Republic of Uzbekistan (English version)* (1994):

Sid.37-38

” Article 120. Besoqolbozlik\* (Homosexual Intercourse)

\* Literally: sexual intercourse with a besoqol (‘a handsome unbearded youth’). However, the article envisages penalty for any male homosexual intercourse irrespectively to the age of the partners. (Translator’s Note).

Besoqolbozlik, that is, voluntary sexual intercourse of two male individuals shall be punished with imprisonment up to three years.”

---

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

## Källförteckning

(länkarna hämtade 2014-03-25)

Bertelsmann Foundation, *BTI 2014; Uzbekistan Country Report*, 2014

<http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Uzbekistan.pdf>

GlobalGayz.com, *Gay Life in Uzbekistan*, 2012-03-05

<http://www.globalgayz.com/gay-life-in-uzbekistan/2210/>

Hivlawcommission.org, *Beyrer, C., and Baral, SD., (2011), MSM, HIV and the Law: The Case of Gay, Bisexual and other men who have sex with men (MSM), Working Paper for the Third Meeting of the Technical Advisory Group of the Global Commission on HIV and the Law, 7-9 July 2011*, 2011

<http://www.hivlawcommission.org/index.php/working-papers/msm-hiv-and-the-law-the-case-of-gay-bisexual-and-other-men-who-have-sex-with-men-msm/download>

Human Rights Watch, *World Report 2014 - Uzbekistan*, 2014-01-21

<http://www.refworld.org/docid/52dfdda23.html>

Labrys Kyrgyzstan Global Rights, International Human Rights Clinic, Human Rights Program, Harvard Law School, *The Violations of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in Uzbekistan*, March 2010

<http://www.osce.org/cio/68798?download=true>

Riksförbundet för homosexuellas, bisexuellas och transpersoners rättigheter. RFSL, *Åsikter och verksamhet. Uzbekistan*, januari 2014

<http://www.rfsl.se/?p=3565>

UN Human Rights Council (formerly UN Commission on Human Rights), *Compilation : [Universal Periodic Review] : Uzbekistan / prepared by the Office of the High Commissioner for Human Rights in accordance with*

*paragraph 5 of the annex to Human Rights Council resolution 16/21,*  
A/HRC/WG.6/16/UZB/2, 2013-02-08  
<http://www.refworld.org/docid/51dab4eb4.html>

UN Human Rights Council (formerly UN Commission on Human Rights),  
*Report of the Working Group on the Universal Periodic Review; Uzbekistan*  
[A/HRC/24/7], 2013-07-05  
[http://www.ecoi.net/file\\_upload/1930\\_1375881261\\_a-hrc-24-7-uzbekistan-e.pdf](http://www.ecoi.net/file_upload/1930_1375881261_a-hrc-24-7-uzbekistan-e.pdf)

UN Human Rights Council (formerly UN Commission on Human Rights),  
*Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21; Uzbekistan* [A/HRC/WG.6/16/UZB/3], 2013-01-30  
[http://www.ecoi.net/file\\_upload/1930\\_1366900949\\_g1310481.pdf](http://www.ecoi.net/file_upload/1930_1366900949_g1310481.pdf)

Utrikesdepartementet .UD, *Mänskliga rättigheter i Uzbekistan 2011*, 2012-06-30  
<http://www.manskligarattigheter.se/DownloadCountryReport/Get/?f=DM5%2fEuropa+och+Centralasien%2fUzbekistan%2c+MR-rapport+2011.pdf>

US Department of State, *2013 Country Reports on Human Rights Practices - Uzbekistan*, 2014-02-28  
<http://www.state.gov/documents/organization/220622.pdf>

Uzbekistan. Lagstiftande organ, *Criminal Code of the Republic of Uzbekistan (English version)*, 1994-09-22  
<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b59216>