

**UPR Pre-session on Uzbekistan
29 August 2023, Geneva**

Discrimination on the ground of SOGI and on the ground of ethnicity

Statement of Anti-Discrimination Centre Memorial Brussels



Discrimination based on SOGI

The 3rd UPR cycle:

Uzbekistan noted 11 recommendations and supported 1 recommendation concerning overcoming discrimination on the basis of SOGI, including decriminalizing consensual same-sex sexual relations of adult men.

LGBTI+ in Uzbekistan face numerous systemic violations of their rights, homophobia, and discrimination in all areas of life, including employment, education, family life, personal interactions, and commercial and state services.

The Art.120 of the Criminal Code criminalizing consensual same-sex sexual relations of adult men has not yet been abolished.

NGOs protecting LGBTI+ rights do not have opportunity to register and work openly

Recommendations:

- Decriminalize consensual same-sex relationships between adult men: Revoke Art.120 of the Criminal Code of Uzbekistan.
- Stop repressive practices and harassment based on SOGI on the part of law enforcement agencies.
- Prosecute influencers of hate speech and calls for violence against LGBTI+; investigate crimes against LGBTI+, with mandatory consideration of the motive of hate.
- Create conditions for the unhindered work of NGOs, LGBTI+ rights defenders and activists.

Discrimination of ethnic minorities

The 3rd UPR cycle:

Uzbekistan supported 16 recommendations related to overcoming racial discrimination and supporting vulnerable groups, including national minorities and indigenous peoples.

Meanwhile, the situation of ethnic minorities remains difficult, including enjoyment of the linguistic rights.

Escalation of repression in Karakalpakstan: brutal suppression of the mass protests (2022)

In Karakalpakstan, mass protests on July 1-3, 2022 were brutally suppressed by law enforcement and army units.

Officially: 21 people were killed, including 4 law enforcement officers, 243 were injured, 516 were arrested.

Alternative data: at least 77 people killed.

The protests were caused by the proposed amendments to the Constitution, which would abolish the sovereign status of the Republic of Karakalpakstan within Uzbekistan. The bill was not provided for wide public discussion; the Karakalpak population was not involved into the preparation of the draft.

Dozens protesters appeared to be on trial and sentenced to the terms up to 16 years (for 21 convicted, the sentences were commuted in the higher instance). The Karakalpak community perceives these sentences as a blatant and tragic injustice; experts prove the absurdity of the charges and the political motivation of the trial. In general, the actions of the security forces who shot at unarmed protesters were not investigated; it's known about 3 officers convicted (2 - for torture, 7 years term; 1 for endangerment and false evidence); the sentences are going to be appealed.

The situation of freedom of speech and association in Karakalpakstan is alarming, while various problems of Karakalpakstan (guarantees of the autonomy, overcoming the ecological catastrophe in the Aral Sea region, the need to support initiatives for the preservation and development of the Karakalpak language and culture, etc.) require open public discussion, consensus and guarantees of the rights of the Karakalpak population.

Recommendations:

- Immediately stop repressions and arbitrariness against the Karakalpak population;
- investigate cases of violence and torture during the suppression of protests on July 1-3, 2022;
- Ensure transparency of investigation and court hearings, fair trial, unhindered work of lawyers, human rights defenders, journalists, international observers.

The situation of Mugat/Luli

Mugat (a Roma-like group, called also Luli or “Central Asian Gypsies”)

live all over Uzbekistan in more or less closed communities in a number of 70,000 (state response of the Republic of Uzbekistan to the UN CERD, 2019), but it might be more.

This minority has specific problems of structural discrimination:

unregistered homes, constant risk of demolition and eviction; extreme poverty; poor nutrition and living conditions; lack of personal documentation; low level of education; unemployment; harmful traditional practices affecting mostly women and children (exploitation, involvement in begging, early marriages, polygamy).

The authorities deny the need for systemic measures to overcome the historical exclusion and marginalization of this group.

Recommendation:

Adopt and implement an action plan on comprehensive improvement of the situation of Mugat/Luli, with special focus on women and girls.

The positive measures should solve the problem of personal documents and housing, provide access to high-quality school education and medical and social assistance, guarantee protection for women and children from multiple discrimination and harmful traditional practices.

On the linguistic rights of ethnic minorities:

Uzbekization as the main trend in language policy affected inter alia education in minority languages. Even in the areas like Bukhara and Samarkand populated mainly by Tajik native speakers, the language of instruction in schools is Uzbek, less often Russian. Field research shows the lack of media, TV and radio programs in minority languages.

Such languages as Korean or the dialect of Bukhara Jews are almost lost. Despite a comparatively good position of the Russian language, Russian speakers including minorities that used to get education in Russian (Koreans, Kazakhs, and others) face problems in employment and have to leave Uzbekistan.

Recommendation:

Guarantee linguistic rights of ethnic minorities:

- ensure that minority languages can be studied in schools;
- create tools to assess the effectiveness of instruction in minority languages;
- support publication of books, media, and other materials in the languages of ethnic minorities;
- ensure that teachers of ethnic minority languages receive a high professional level of training.

General recommendation on the anti-discrimination legislation:

Adopt comprehensive antidiscrimination legislation taking into account all grounds of discrimination, including sexual orientation and gender identity and ethnic origin.

Thank you for your attention