

Universal Periodic Review of Uzbekistan

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Submission by:



The PACT

A Vibrant Coalition of 152+ youth Organizations working collaboratively and strategically in the global HIV response. Since 2013, we have been building solidarity across youth organisations to ensure the health, well-being and human rights of all young people.

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Executive Summary

1. This report examines the challenges faced by adolescents and young people in Uzbekistan in regards to their sexual and reproductive health rights (SRHR), HIV, and human rights ahead of the country's Universal Periodic Review (UPR).
2. The report identifies three main areas of concern: SRHR, laws related to sexual choices, and access to SRHR and HIV services for youth with disabilities and Adolescents and Young People Living with HIV.
3. The report recommends that the government eliminate discrimination against key populations, align national legislation with international standards, and provide access to free testing and counseling services to all young people.
4. The report also suggests that HIV testing for children be redesigned with a focus on the best interests of the child, and that the rights of people living with HIV be promoted and ensured.
5. Finally, the report calls for legal and political measures to improve access to comprehensive sexual education both inside and outside schools, particularly for at-risk groups such as women migrant workers, rural populations, drug users, and sex workers.

Introduction

6. This submission, prepared in advance of the Republic of Uzbekistan's 4th Cycle of the Universal Periodic Review (UPR), examines the issues encountered by the country's adolescent and young population in terms of sexual and reproductive health rights (SRHR), HIV, and human rights.
7. Three significant concerns impacting the country's young population, namely, SRHR, the laws on sexual choices, particularly for Men Having sex with Men, and youth with disability and their access to SRHR and Adolescents and Young People Living with HIV (AL & YPLHIV), have been investigated.

8. This study was created using information gathered from reliable sources such as the government, non-governmental organizations, media stories, and scholarly papers in the public domain. In addition, for the purpose of this submission, experts from youth-focused/youth-led organizations from around Uzbekistan provided suggestions.
9. The report presents suggestions to the government on how to eliminate violence and prejudice against MSM, sex workers, and young key populations seeking treatment, testing, and counseling. It also urges the government to align national legislation with international standards and rules for key populations, granting them the ability to choose their family and access SRH services.

HIV/AIDS

10. In the last review, Uzbekistan received and accepted the following recommendation that is relevant to addressing the HIV/AIDS epidemic in the country:
 - Honduras 101.154 Adopt legal and political measures to improve access to comprehensive sexual education inside and outside schools in order to increase health-seeking behaviour with respect to sexuality, reproductive health and HIV prevention, with particular emphasis on groups at risk, such as women migrant workers, the rural population, drug users and sex workers ;
11. For more than a decade, Uzbekistan has had a high prevalence rate of HIV infections among key populations which include Sex workers and their clients, people who inject drugs, and men having sex with men, with 25% of recently reported cases being between the ages of 18 and 30¹People living with HIV in Uzbekistan face a number of challenges connected to discrimination, social stigmatization in many areas of their everyday life and sometimes in obtaining access to services, plus they face legal obstacles such as the criminalization of even potential risk of HIV transmission. The current picture of the Uzbek context also needs to take into account the lack of data about the HIV epidemic and response, both from the government and from civil society, which also characterizes other sectors of Uzbekistan's social protection programmes.
12. The Convention on the Rights of the Child guarantees adolescents the right to be treated fairly, as well as the right to privacy and secrecy. Access to free testing and counselling services should be ensured to all youngsters in Uzbekistan. Key populations are persecuted and criminalized. The stigma, discrimination and

¹ <https://thediplomat.com/2023/02/a-gender-perspective-on-hiv-prevalence-in-uzbekistan/>

criminalisation faced by key populations contributes to further discouraging them from accessing the services made available by the national health system. In addition, the variety of stigma- and discrimination-free anonymous services that key populations and people living with HIV can access is very narrow.

13. Access to sexual and reproductive health services for young people before the age of 18 is limited including HIV/STI testing, treatment and care. It is mandatory for youngsters under the age of 18 to obtain written parental consent and access services in the presence of parents.
14. Adolescents between the ages of 16 and 18 who do not have parents/guardians or prefer not to engage their parents/guardians in personal choices on HIV testing should have the legal possibility to test independently. In other words, HIV testing for children should be redesigned keeping the "best interests of the child" and their "evolving capacities" as a key priority.
15. The Criminal Code of the Republic of Uzbekistan criminalises not only the actual transmission of HIV, but also the potential risk of transmission. Promoting and ensuring the rights of people living with HIV could contribute to creating a safe environment and make a real change in the lives of people living with HIV and key populations.
16. Data from UNAIDS Uzbekistan suggests that around 6100 children aged 0 to 14 are HIV positive.²Uzbek children living with HIV get benefits from the government. HIV+ children under the age of 18 receive allowances from the state budget and have benefits when enrolling to higher education. Additionally, as all Uzbek citizens that are registered with the Republican AIDS Centre, they have access to free medication throughout their life. Unfortunately, as of March 2023 the support provided by the government does not yet include access to mental health support, which is integrated through initiatives organised by UN agencies

Sexual and Reproductive Health of Adolescents and Young People with Disabilities

17. Uzbekistan received and accepted one recommendation that focused on sexual and reproductive health and rights as a general category:

² <https://www.unaids.org/en/regionscountries/countries/uzbekistan>

- Honduras 101.154 Adopt legal and political measures to improve access to comprehensive sexual education inside and outside schools in order to increase health-seeking behavior with respect to sexuality, reproductive health and HIV prevention, with particular emphasis on groups at risk, such as women migrant workers, the rural population, drug users and sex workers;

18. Uzbekistan also supported the following recommendation under *Acceptance of international norms* for People with Disability.

- Georgia 101.18 Consider accession to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and the Optional Protocols to the Convention on the Rights of the Child on a communications procedure, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the Convention on the Elimination of All Forms of Discrimination against Women;

19. As of 2023, Uzbekistan has not yet implemented the above mentioned recommendation submitted by Honduras on the inclusion of Sexual and Reproductive Health and Rights as part of school curriculum. Widespread awareness about transmission of HIV and other STIs along with knowledge on the use of contraceptives and sexual and reproductive health rights will allow the young population to make better informed choices, empowering them to more effectively safeguard their rights. With a specific focus on adolescents, the 2022-2026 National Multisector Adolescent Health and Wellbeing Strategy addresses inter alia mental health issues, prevention of non-communicable diseases, sexual and reproductive health and rights. The commitment to expand sexual and reproductive education inside and outside schools and ensure youth-friendly services was reconfirmed by the Government at the 2021 Generation Equality Forum.

20. In 2021, the Law on Right of Persons with Disabilities came into force, which foresaw the introduction of the term 'person with disability'. At the 2021 Generation Equality Forum, Uzbekistan committed to fund service providers for survivors of violence that meet the needs of women and girls with disabilities. In 2022, the authorities introduced measures to simplify access to disability determination procedures. Despite these positive developments, women and girls with disabilities are still overrepresented among individuals not in employment, education or training (NEET).

Moreover, organizations of persons with disabilities are unable to fully and equally participate in policy-making process, leading to communication hurdles, such as a lack of disability-friendly and accessible IEC material, and physical barriers, such as a lack of specialist health professionals and signs in public health care facilities, were highlighted as impediments to satisfying the SRH requirements of people with disabilities (PwDs).

21. Psychological barriers include a lack of trained SRH experts who can provide necessary counseling and services, as well as social barriers such as a lack of community support, social norms, group conformity, attitudes by health professionals, and privacy and confidentiality provided at SRH centers.
22. Article 23(1) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) declares that all persons with disabilities have the right to access reproductive and family planning education and decide freely and responsibly the number of children and spacing between them. It also mentions that PwDs, including children, retain their fertility on an equal basis with others.³
23. Part of discrimination experienced by people living with disabilities is seeable in the terminology referring to "special needs of the handicapped," with an emphasis on "disorders" and "illness" and their need for specific, segregated services and non-personal support.⁴ This also results in limiting their opportunity to avail formal education, SRHR services or have a job and a family.
24. There are still gaps in SRHR programmes, such as insufficient access to comprehensive sexuality education, limited knowledge and training among healthcare personnel, and limited financial, human, and other resources.
25. Concerning the obstacles that people with disabilities face in pursuing their right to marriage and family life, the Committee on Economic, Social, and Cultural Rights (CESCR) has stated that people with disabilities PwDs should have access to counseling services that would allow them to fulfill their rights and duties within the family.

³<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-23-respect-for-home-and-the-family.html>

<https://www.unicef.org/uzbekistan/media/3576/file/Snapshots%20PwD%20SitAn.pdf>

⁴ <https://www.unicef.org/uzbekistan/media/3576/file/Snapshots%20PwD%20SitAn.pdf>

Violation of Human Rights

26. Uzbekistan also noted the following recommendation on decriminalization of consensual sexual relations specifically on men having sex with men

- Argentina 102.2 Take the necessary measures to repeal from the Criminal Code the criminalization of consensual sexual relations between persons of the same sex;
- Iceland 102.3 Combat any form of discrimination or violence against persons based on their sexual orientation or gender identity, and repeal article 120 of the Criminal Code, which criminalizes consensual sexual activities between adult males;
- Canada 102.5 Repeal legislation that criminalizes consensual same-sex conduct, and adopt laws to prevent discrimination based on sexual orientation and gender identity;

27. Men in Uzbekistan who engage in consenting same-sex sexual behavior can be prosecuted and sentenced to three years in jail under Article 120 of the Criminal Code of the Republic of Uzbekistan.⁵ There is no provision for hate crimes, and crimes that are motivated by hatred based on prejudice cannot be tried as aggravated offenses.

28. Uzbekistan authorities should hold perpetrators of hate crimes accountable for their actions.⁶ Additionally, ensuring that people living with HIV and people testing for HIV can anonymously access services and in the total respect of their confidentiality will scale up the effectiveness of the HIV response in Uzbekistan.

Recommendations

1. Better capacity building and appropriate dialogue with policymakers on the ground.

⁵ <https://www.hrw.org/news/2021/03/23/uzbekistan-gay-men-face-abuse-prison>

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2. Strategic planning for implementing legislation must be done in light of the model utilized for the new educational plan.
3. Importance should be given to both service-level and advocacy-level planning, with an emphasis on community awareness via mechanisms that they understand.
4. Shared platforms for CSO, policymakers, and high-level officials to discuss ground realities, share resources, and establish relationships.
5. Decriminalize HIV transmission and ensure that HIV testing is strictly voluntary, in all circumstances.
6. Decrease the age threshold to access SRH services without parental permission.