

Information on Violence against Women and Girls in Uzbekistan for Consideration by the European Union Prior to its EU-Uzbekistan Human Rights Dialogue

08 April 2024

1. This report prepared for the EU-Uzbekistan Human Rights Dialogue 2024 focuses on legal and policy measures to address violence against women and girls, including sexual violence, in Uzbekistan. Specifically, the report examines recent positive legal reforms concerning violence against women and domestic violence and highlights persistent challenges in ensuring access to justice for survivors, particularly concerning sexual violence, trafficking, adequate support for survivors, and the collection of disaggregated data.
2. The recommendations outlined in the report focus on enhancing legal frameworks and implementing measures in the aforementioned areas. These recommendations are intended for advocacy by the EU Delegation with the Uzbekistan Government.
3. Equality Now prepared this report in partnership with: NGO “Istiqbolli Avlod”, “NIHOL” Initiative’s Development and Supporting Centre, Centre for Scientific, Social and Humanitarian Initiatives Oila, Public Unity Yuksak Salohiyat. *Please see Annex at the end of the submission for information about the submitting organisations.*

UZBEKISTAN IMPROVED LEGAL SAFEGUARDS TO ADDRESS VIOLENCE AGAINST WOMEN AND GIRLS AND DOMESTIC VIOLENCE

4. On 23 March 2023, Uzbekistan made a significant step in combating violence against women and girls and domestic violence with the adoption of the Law “On amendments and additions to certain legislative acts in connection with further improvement of the system for the reliable protection of the rights, freedoms and legitimate interests of women and children”.¹ We welcome the adoption of this law, which sends a clear message to society that violence against women and children is not acceptable and underscores the government’s commitment to addressing the issue.
5. The law, which amends several legislative acts in force, introduces administrative and criminal liability for domestic violence, including economic and psychological violence and extends the duration for which protection orders against domestic violence can be issued. Sexual harassment and stalking have also been outlawed and entail punishment. Additionally, the law addresses unauthorized disclosure of a person’s private life, which infringes an individual’s honour and dignity (e.g. image-based sexual abuse), and establishes punishment for such acts. Moreover, the law strengthens protections for child victims of sexual violence and imposes stricter penalties for various crimes of sexual violence. *For more comprehensive insights, please see our detailed analysis.*²

¹ <https://lex.uz/ru/docs/6430278>

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https://equalitynow.org/news_and_insights/uzbekistans-strides-against-gender-based-violence-strengthened-protections-and-the-path-to-further-reforms/

NEED FOR FURTHER LEGAL CHANGES TO PROTECT WOMEN AND GIRLS FROM VIOLENCE

6. Domestic violence remains a widespread, however underreported issue in Uzbekistan. Since the enactment of the above-mentioned law in 2023, Uzbekistan has made significant strides.³ However, only a modified, rather than an originally proposed text of the law, was eventually adopted which does not contain all crucial recommendations proposed by civil society.⁴
7. One notable deficiency lies in the definition of family (domestic) violence outlined in the new Article 59.2 (“Family (domestic) violence”) of the Code of Administrative Offences and in the new Article 126.1 (“Family (domestic) violence”) of the Criminal Code. These definitions fail to cover all categories of perpetrators, leaving significant protection gaps. As a result, certain individuals, such as non-cohabiting partners, former partners (only those who were previously married or have a common child are protected by the current law); non-cohabiting relatives; and children are excluded from the law’s protective scope.
8. In addition, while the introduction of aggravating circumstances when sexual violence is committed against close relatives, former spouses, cohabiting individuals, or those with a child in common is a step forward, it still excludes non-cohabiting partners and former partners. Moreover, even though criminalising stalking is a positive development, its definition does not fully align with human rights standards, as it fails to adequately focus on the perpetrator’s behaviour while putting the onus on the victim.⁵
9. Therefore, it is imperative for the government to revisit the law and address the identified protection gaps to ensure comprehensive safeguards.

NEED TO IMPROVE LAWS AND DATA COLLECTION FOR ACCOUNTABILITY ON SEXUAL VIOLENCE AGAINST WOMEN

10. In Uzbekistan, significant gaps persist in aligning laws concerning sexual violence with international human rights standards. Moreover, the methods for collecting data on sexual

³ In 2023 (from the date the above mentioned law entered into force), 203 persons were convicted under article 126-1 of the Criminal Code (Family Violence), of whom 59 were sentenced to deprivation of liberty and 144 were sentenced to non-custodial penalties. Under article 59-2 of the Administrative Liability Code (Family Violence), 8,928 persons were held administratively liable, of whom 5,229 were fined and 3,699 were sentenced to administrative detention. 666 persons were brought to administrative responsibility under article 41-1 of the Administrative Liability Code (Sexual Harassment), of whom 233 were fined and 433 sentenced to administrative detention. Over the same period of time, 21,871 protection orders were issued to victims of harassment and violence, of which 18,526 (84.7 percent) occurred in families. Sources: the Uzbekistan’s Supreme Court’s press service, available at: <https://t.me/AzizAbidov/4556> and <https://t.me/AzizAbidov/4558>; <http://nhrc.uz/ru/news/m11900>

⁴ For example, see <https://t.me/nemolchiuz/7842> and https://equalitynow.org/news_and_insights/uzbekistans-strides-against-gender-based-violence-strengthened-protections-and-the-path-to-further-reforms/

⁵ See e.g. GREVIO Baseline Evaluation Report Georgia, para. 241 and 246: <https://rm.coe.int/grevio-report-on-georgia-2022/1680a917aa>

violence require substantial improvement to effectively inform legal and policy measures to address the issue.

11. A recent reply to a freedom of information request from the authorities in Uzbekistan provides some administrative (statistical) data on sexual violence in 2023. Notably, the provided data needs further clarifications and disaggregation (e.g. about crimes committed against intimate partners). Additionally, important information such as the number of perpetrators convicted and attrition rates is notably absent from the below data.

Article of the Criminal Code	Number of criminal cases	Number of criminal cases completed	Number of victims
118 (rape)	253	203	164
119 (assault of a sexual nature)	208	187	151
121 (coercion into a sexual intercourse)	16	12	9

12. Despite the recorded cases, sexual violence remains significantly underreported in Uzbekistan and the above data does not inform the prevalence of sexual violence. Survivors encounter a number of barriers to reporting, including legislative obstacles, limited access to fair justice, as well as fear of disbelief, humiliation from law enforcement officials, and blame from their relatives and communities.⁶
13. When it comes to legal barriers in relation to sexual violence, several critical issues persist – including **the lack of a consent-based definition of rape** in line with human rights standards, failure to treat all acts of rape as serious crimes and the need to make sure that all forms of sexual violence are proactively investigated and prosecuted.⁷
14. In January 2023, Equality Now published a report examining legal provisions relating to sexual violence in Uzbekistan. The report identified shortfalls in the definition and enforcement of sexual violence crimes, exposing systemic challenges within the criminal justice systems.⁸ Key findings can be summarised as follows:
 - a. The definition of rape, as provided in the Criminal Code of Uzbekistan, is not based on the lack of genuine, free and voluntary consent. Such definition is the requirement of international human rights instruments including standards developed by the UN Convention on the Elimination of All Forms of Discrimination against Women, binding on Uzbekistan. Instead, the definitions of

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<https://equalitynow.storage.googleapis.com/wp-content/uploads/2021/11/20073156/A-Culture-of-Shame-ENG-1.pdf>

⁷ CEDAW, General Recommendation No. 35, CEDAW/C/GC/35, para. 29(e)

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<https://www.equalitynow.org/resource/sexual-violence-laws-in-eurasia-towards-a-consent-based-definition/>

rape in the Criminal Codes Uzbekistan focus on violence, threat of violence, or abusing the helpless condition of the victim.

- b. Compulsion or coercion into sexual intercourse, a crime that equals rape by its essence (Article 121), is categorized as a “less serious crime,” resulting in disproportionately lower penalties.
15. Additionally, despite explicit recommendations from the UN Committee on the Elimination of Discrimination against Women, which requires *ex officio* investigation and prosecution of all cases of violence against women,⁹ the Criminal Procedure Code of Uzbekistan (Article 325) still continues to place the burden of initiating and pursuing criminal proceedings on the victim for several crimes, including non-aggravated rape and sexual assault.

NEED TO IMPROVE LAWS AND DATA COLLECTION FOR ACCOUNTABILITY ON SEXUAL VIOLENCE AGAINST GIRLS

16. As with sexual violence against women, significant gaps persist in relation to laws concerning sexual violence against children, while recognizing the disproportionate impact on girls and the additional barriers they face compared to adult women. Moreover, improvements are required in administrative (statistical) data collection methodologies to inform legal and policy responses to sexual violence against girls.
17. In their reply to a freedom of information request, the authorities in Uzbekistan provided the following statistics regarding sexual violence in 2023. However, it is crucial to note that this administrative data is incomplete and has several gaps, including the lack of disaggregated data by sex among other aspects of criminal justice response, such as attrition rates.

Article of the Criminal Code	Number of criminal cases	Number of criminal cases completed	Number of victims
128 (sexual acts with a person under 16 y.o.)	493	373	325
128¹ .(engaging in sexual intercourse with a person aged between 16 and 18 y.o. by providing material valuables or property or other benefits)	17	16	14

18. The spokesman of the Supreme Court in response to a freedom of information request replied that in the first 6 months of 2023:
- a. 15 persons were convicted for rape of a person under 14 years of age (Article 118(4) of the Criminal Code).

⁹ CEDAW/C/UZB/CO/6, para. 22(e)

- b. 44 persons were convicted for an assault of a sexual nature committed against a person under 14 years of age (Article 119(4) of the Criminal Code).¹⁰
19. When it comes to legal barriers, the definition and enforcement of crimes of sexual violence against girls remain problematic. Article 128 of the Criminal Code addresses sexual acts with a person under sixteen years of age committed by an adult. The way the article is interpreted and enacted implies that the minor somehow consented to or initiated the sexual intercourse which disregards the power dynamics and vulnerabilities inherent in such situations. Furthermore, instances where rape or assault of a sexual nature occur without evidence of additional serious physical harm are often inadequately qualified under Article 128, which carries significantly lesser penalty compared to crimes that are classified under the article of rape against a minor.
20. Moreover, the prevalence of child and forced marriages in Uzbekistan presents additional challenges in combatting sexual violence. While official data suggests a decline in child marriages, the increase in the number of teenage births indicates an underlying issue – instead of officially registering marriages with the registry office, people prefer to enter into religious marriage ceremonies, in violation of current legislation. Illicit religious marriage ceremonies, conducted in violation of existing legislation, contribute to underreporting of sexual violence and hinder efforts to combat crimes such as violation of the law on the age of consent (Article 125.1 of the Criminal Code), polygamy (Article 126 of the Criminal Code), sexual intercourse with a person under 16 years of age (Article 128 of the Criminal Code), etc. Since arranged marriages are considered the norm, and it is difficult to detect crimes of forced marriage, especially with respect to pressure imposed by relatives.

PROCEDURES AND PRACTICES RELATED TO SEXUAL VIOLENCE WHICH EFFECTIVELY DENY ACCESS TO JUSTICE FOR SURVIVORS

21. Uzbekistan's justice system maintains burdensome evidentiary standards for sexual violence crimes. Law enforcement authorities often rely on physical injuries and biological evidence, which can disadvantage victims without visible signs of abuse, such as those who did not resist due to fear. At the same time, forensic experts are predominantly male, exacerbating the discomfort and potential retraumatization experienced by victims during forensic examinations. Moreover, the forensic examination bureaus are not located with the investigative authorities and often, if a victim receives a referral for forensic examination, it is challenging for her to access these establishments, leading to potential loss of crucial evidence and hindering the path to justice.
22. Furthermore, gender stereotyping and discriminatory investigation procedures applied in practice constitute a significant barrier to justice for survivors of sexual violence. These practices include the routine usage of the "investigative experiment" (provided by the law), which requires the victim to re-enact the crime; victims often being interrogated in shared spaces without privacy considerations; without respect for confidentiality by employees who are not specifically trained to conduct this type of investigation and do

¹⁰ <https://t.me/nemolchiuz/9083>

not have a sensitive approach to victims; victim-blaming by law enforcement; a hymen examination which is rarely probative and diverts attention from establishing injuries and evidence of rape; lack of gender-sensitive protocols in forensic examinations and female experts.

GAPS IN COMBATING TRAFFICKING IN WOMEN AND GIRLS

23. While acknowledging the Government's increased efforts to investigate, prosecute and convict perpetrators of trafficking, the NGO "Istiqbolli Avlod" also highlights pressing shortcomings in several key areas.
24. In 2023, a worrying increase was reported in the rate of minor girls victims of trafficking for the purpose of sexual exploitation.
25. Local experts report that law-enforcement authorities often misclassify cases of trafficking in women and girls for the purpose of sexual exploitation, opting for lesser charges, such as Articles 131 of the Criminal Code (procurement or maintenance of brothels), 128 (sexual intercourse with a person under 16 years of age), and 128.1 (sexual intercourse with a person between 16 and 18 years of age by providing material values or property or other benefits). This leniency allows perpetrators to evade responsibility for trafficking, receiving minimal punishment, while victims are deprived of proper assistance and support.
26. An illustrative example of the above is the "Khorezm case". A woman in charge of an orphanage had received gifts and money to arrange for the men (one the head of the local department of justice, the other the head of the local department for emergencies) to have sex with the girls under her care. While she was convicted under Article 135 for trafficking, the men responsible were charged with lesser crimes (Articles 128 and 128.1), resulting in a three-year sentence instead of the possible twelve years that is applicable for trafficking.
27. Moreover, systemic issues persist, such as the lack of coordination between various agencies (including law-enforcement agencies, governmental and non-governmental organisations involved) during investigation of a crime and survivor support and insufficient assistance to survivors. Notably, minors, who are victims, lack the mandatory provision of a defence attorney which is only available to the defendant. This results in victims not being aware of their rights and the support they are entitled to. Although victims could bring civil suits against traffickers, such instances are rare due to the high cost of legal representation, which are neither provided by the government nor affordable.

LACK OF SUPPORT SERVICES FOR SURVIVORS OF VIOLENCE

28. In Uzbekistan there is a serious lack of support services and protection for women and girls, survivors of violence. This includes the need to put in place 24/7 hotlines, free legal aid, adequate shelters, medical treatment, psychosocial counselling and economic support

across the country. The funds allocated by the State to support rehabilitation and adaptation centres for victims of violence are insufficient.

LACK OF ADMINISTRATIVE (STATISTICAL) DATA ON VIOLENCE AGAINST WOMEN AND GIRLS

29. In Uzbekistan, there is a general lack of publicly accessible and disaggregated administrative (statistical) data on violence against women and girls. Even the data (even though non-comprehensive) collected by authorities is predominantly inaccessible to the public and lacks disaggregation based on key criteria, such as sex, age, ethnicity, disability, geographical location and socioeconomic background and other factors. Such disaggregated data is necessary to accurately assess the situation of violence against women and inform prevention and response.

RECOMMENDATIONS

We kindly ask the EU Delegation to propose the following recommendations to the Government of Uzbekistan, which are grounded in recommendations given to Uzbekistan by various UN Human Rights Mechanisms. In particular:

- Amend the Criminal Code of Uzbekistan to make sure that the definition of rape is based on the lack of genuine and free consent rather than the use or threat of force.
- Amend the Criminal Code of Uzbekistan to ensure that the issue of “consent” of a minor under 16 is immaterial and not examined in practice with regard to sexual acts committed by adults against minors and that these are treated as rape and entail sentences reflecting the gravity of the crime.
- Amend the Criminal Procedure Code of Uzbekistan to ensure that all crimes of violence against women and girls, including sexual violence, are investigated/prosecuted proactively by authorities (*ex officio*).
- Develop, in collaboration with civil society organisations, protocols addressing sexual and other forms of violence against women and girls based on international human rights standards.
- Provide comprehensive training to judges, prosecutors, police, other law enforcement officials, medical staff, social workers and other professionals working with victims on appropriate victim-centred approaches and criminal justice procedures.
- Strengthen victim support services and protection, including 24 / 7 hotlines, free legal aid, adequate shelters, medical treatment, psychosocial counselling and economic support throughout Uzbekistan;
- Enhance data collection on violence against women and girls, especially sexual violence, by gathering disaggregated statistics based on factors including sex, age, and disability. Include tracking of attrition rates and other relevant factors for informing prevention and response measures.
- Investigate, prosecute and adjudicate all cases of violence against women and girls with a victim-centred approach, considering a gendered perspective throughout the process.
- Remove burdensome evidentiary standards and corroboration requirements in relation to sexual violence crimes.

- Ensure the availability of emergency medical services for victims of sexual violence and recruit more women as forensic experts.
- Strengthen investigations and prosecutions of cases of trafficking in women and girls and ensure perpetrators receive adequate punishments.

ANNEX – SUBMITTING ORGANISATIONS

1. Equality Now

Europe/Eurasia office
 PO Box 560, Dartford, DA1 9WP, United Kingdom
 Phone: +44 (0)7445 699 371
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Equality Now is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organisation with partners and members in every region. Ending sexual violence, ending sex trafficking, ending harmful practices and achieving legal equality are the main areas of Equality Now’s work.

2. NGO “Istiqbolli Avlod”

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NGO “**Istiqbolli Avlod**” was founded in 2001 in Tashkent as a Tashkent city youth centre. In 2018, the organisation was re-registered as the Republican Social Information Center by the Ministry of Justice, and today is one of the leading NGOs in Uzbekistan in the field of combating trafficking in persons and other types of violence. The organisation's Mission: to eliminate violence in society. The organisation currently has 13 regional branches in all provinces including the Republic of Karakalpakstan.

3. “NIHOL” Initiative’s Development and Supporting Centre

Shirin Rashidova is the “NIHOL” Centre’s Council Chairperson
 11, Furkat-Navoi street, Tashkent, 10018
 Email: center.nihol@mail.ru
<http://www.niholngo.uz>

“**NIHOL**” **Initiative’s Development and Supporting Centre** – is a non-governmental, non-commercial, public organisation, established by initiatives of women leaders in Tashkent and the Tashkent region and registered in 2003. The NIHOL Centre conducts its activity on the 4 following programmes: Youth programme; 2. Women’s programme; 3. Programme on

prevention trafficking in human beings; 4. Programme of work with people with disabilities and their families. The mission of “NIHOL” Centre is comprehensive development and supporting citizen’s initiatives (especially youth, women and persons with disabilities) in rural areas on using their rights and freedoms in building up civil society and democratisation of public progress through providing them with education, information and consulting.

4. Centre for Scientific, Social and Humanitarian Initiatives Oila.

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FB: <https://www.facebook.com/OilaIIGTM?mibextid=LQQJ4d>

Centre for Scientific, Social and Humanitarian Initiatives Oila was registered in 2021. The Centre analyses and forecasts the situation of families in the republic and regions, identifying problems and conducting rapid monitoring, developing measures to support families in difficult situations and making managerial decisions on the basis of social partnership with state bodies at the level mahalla-region-republic.

5. Public Unity Yuksak Salohiyat

Sviridova Natalya Leonidovna - Director of NGO Bakhritdinova Fazilyat Oripovna - Chairman of the Board

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Public Unity Yuksak Salohiyat was registered in 2020. The main goal is to promote the development and support of citizens’ initiatives in the use of rights and freedoms in the construction of civil society, the development of progress and democratisation, improving the quality of life of the population by maintaining health, raising the cultural and educational level, as well as promoting a healthy lifestyle.