



Brief for the EBRD

Article 120 of the Criminal Code of Uzbekistan as a Risk to the Bank's Political Mandate, Rule of Law, Project Safety, and the "Do No Harm" Principle

1. Executive Summary

Article 120¹ of the Criminal Code of the Republic of Uzbekistan, which criminalizes consensual sexual relations between men, should be considered by the EBRD not only as a human rights concern, but also as a significant risk to the Bank's political mandate, the rule of law, civic participation, political inclusion, project safety, and the "do no harm" principle.

Under Article 120, LGBTIQ+ people face not only the threat of criminal prosecution.

This provision creates a broader infrastructure of fear and vulnerability: the risk of raids, detention, forced access to mobile phones, blackmail, exposure of private life, forced invasive forensic examinations, torture or ill-treatment, and the inability to file a safe complaint.

Official data indicate a sharp increase in the number of cases under Article 120: 23 cases in 2020, 17 cases in 2021, 17 cases in 2022, 17 cases in 2023, 48 cases in 2024, and 71 cases in the first nine months of 2025 alone. This increase cannot be assessed separately from reports of mass raids, threats, forced access to personal data, and forced examinations.


This is of particular relevance to the EBRD, given that the Bank has a political mandate and assesses not only the economic, but also the political and legal context of its countries of operation. Article 120 raises issues related to the rule of law, freedom from torture, protection from intimidation, access to justice, and the safety of civic participation.

It should therefore be raised not only at the level of project-level safeguards, but also as part of the EBRD's political dialogue with the Government of Uzbekistan.

2. Key Facts and Risks for the EBRD

According to available information, reports were documented in 2026 of regular raids in Tashkent Region, where people rented private houses for recreation. At

¹ Republic of Uzbekistan, *Criminal Code of the Republic of Uzbekistan*, adopted on 22 September 1994, Article 120, "Besakalbazlyk (Sodomy)", Lex.uz. - <https://lex.uz/docs/111457#158442>



least three major episodes are known: 17 people detained in one case, 22 in another, and 23 in a third. In total, these incidents involved 62 detainees. Following these raids, 34 criminal cases were initiated under Article 120. Eight cases reached the stage of judicial review. According to available information, at least 24 cases were closed through informal and corrupt mechanisms. The status of two additional cases requires further clarification.

According to information received from victims, the raids followed a recurring pattern: law enforcement officers arrived at night, entered the premises by force, failed to clearly explain the procedural status of those present, humiliated and filmed people, collected mobile phones, forced people to unlock their devices, reviewed private correspondence, photographs, videos and contacts, took people to the internal affairs department, blocked access to a lawyer, and subsequently referred detainees for forced anal examinations².

One of the most illustrative cases took place at a rented country house where 23 people, approximately between the ages of 20 and 28, were present. All of them were taken to the district internal affairs department and held there for approximately 12 hours. According to available information, they were not provided with meaningful access to a lawyer. The following day, the investigator ordered a forced forensic examination. The detainees had no real possibility to refuse, to request the presence of a lawyer, to review the decision ordering the examination, or to challenge the procedure. No written voluntary consent was obtained.

For the EBRD, this case demonstrates not only a human rights violation, but also a critical risk for projects involving state institutions: private space is not protected, a mobile phone becomes a source of criminal risk, the medical system


² Office of the United Nations High Commissioner for Human Rights (OHCHR), *Born Free and Equal: Sexual Orientation and Gender Identity in International Human Rights Law*, New York and Geneva, 2012, p. 27. - https://www.google.com/url?q=https://www.ohchr.org/sites/default/files/Documents/Publications/BornFreeAndEqualLowRes.pdf&sa=D&source=docs&ust=1780050388158504&usg=AOvVaw3t2KuP3Jz5yW_nwKnoPA0w
United Nations Committee against Torture, *Concluding observations on the fifth periodic report of Uzbekistan*, CAT/C/UZB/CO/5, 14 January 2020, para. 64.-

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=DY6Khe6Jr6JOqATgmY2rsA%2F18EulKI9jU7wv7ZTc8QrP80EnpRi5AJhQUuk2NAD6TOWhlsigrxe3CyyeBFerIQ%3D%3D>

Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM), *Between Law and Reality: Report on Human Rights Violations against LGBT People in Eastern Europe and Central Asia in 2025, 2026*, available at: <https://ecom.ngo/en/library/lgbt-rights-violations-report-eeca-2025/>

World Medical Association (WMA), *WMA Resolution on Prohibition of Forced Anal Examinations to Substantiate Same-Sex Sexual Activity*, adopted by the 68th WMA General Assembly, Chicago, United States, October 2017; reaffirmed with minor revisions by the 221st WMA Council Session, Berlin, Germany, October 2022. - https://www.wma.net/policies-post/wma-resolution-on-prohibition-of-forced-anal-examinations-to-substantiate-same-sex-sexual-activity/?utm_source=chatgpt.com

Independent Forensic Expert Group (IFEG), *Statement on Anal Examinations in Cases of Alleged Homosexuality*, *Torture Journal*, Vol. 26, No. 2, 2016, pp. 85–91. - https://irct.org/wp-content/uploads/2022/08/IFEG-Statement-Anal-Examination.pdf?utm_source=chatgpt.com



is used for criminal prosecution, and formal protection mechanisms are effectively unavailable.

Projects related to the public sector, digitalization, infrastructure, tourism, health care, municipal services, and forensic medical components raise particular concerns. Without specific safeguards, such projects may unintentionally strengthen state control, access to sensitive data, or infrastructure used for persecution.

3. Recommendations for the EBRD

1. Use the EBRD's political mandate to raise Article 120 in dialogue with the Government of Uzbekistan.

The EBRD should treat Article 120 as an issue concerning the rule of law, freedom from torture, protection from intimidation, access to justice, and the safety of civic participation. This issue should be included in the Bank's political dialogue with Uzbekistan and should not be limited to project-level safeguards.

2. Integrate Article 120 into the EBRD's political assessment of the country, country strategy, and portfolio review.

The Bank should assess how criminalization, raids, forced examinations, and the inability to file safe complaints affect political inclusion, civic space, the safety of consultations, and the access of vulnerable groups to project benefits.

3. Conduct a dedicated review of EBRD projects involving state institutions for risks of strengthening control and persecution.

Particular attention should be given to projects in digitalization, infrastructure, tourism, health care, municipal services, public administration, and the forensic medical system. The EBRD should not finance components that may strengthen police control, access to sensitive data, or forensic medical infrastructure without independent and verifiable safeguards.

4. Establish a safe channel for engagement with independent LGBTIQ+ human rights defenders without requiring registration or public identification.

The EBRD should conduct closed consultations through trusted intermediaries, without participant lists, photographs, videos, state venues, or the transfer of data to state authorities. The absence of openly operating LGBTIQ+ organizations should not be treated as evidence that risks do not exist.



4. Conclusion

For the EBRD, Article 120 is not only an issue of discrimination. It is a question of the rule of law, political inclusion, freedom from torture, civic participation, and project safety.

The EBRD should not wait until harm appears in the form of official complaints. In a context of criminalization, the absence of complaints often does not mean the absence of violations, but rather the absence of a safe space to report them.

For this reason, Article 120, forced examinations, and the persecution of LGBTIQ+ people should be integrated into the EBRD's political dialogue with Uzbekistan, country strategy, portfolio review, project risk assessment, grievance mechanisms, data protection requirements, and harm prevention measures.

5. Contact Details

This brief was prepared by a Central Asia-based expert on the situation of LGBTIQ+ people, documentation of human rights violations, risk assessment for vulnerable communities, and engagement with international human rights and development institutions.

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