

Umid Muzrapov

Professor Colleen Lucey

RSS 328: Women in Russian Literature and Culture

23 April 2022

A Crack in Superficial Perfection

The HIV epidemic in Uzbekistan began in 1987 when the virus was detected in a student from Africa. Since then, Uzbekistan's approach toward HIV/AIDS has been arguably the most liberal in Central Asia in terms of healthcare, prevention, and laws. However, the HIV crisis keeps worsening in the country. According to the UNAIDS, 4100 people were infected with HIV in 2020, and 1900 Uzbeks died of HIV (“Uzbekistan HIV and Estimates”). This paper analyses the current state of the HIV crisis in the country and claims that a lack of sex education, contradictions in law as well as the constitutional ban on the gay community hinder the success of HIV management in the country.

At first look, Uzbekistan may seem to be faultless in its treatment of people infected with HIV. The country provides free universal healthcare (no copays, no health insurance) to each citizen (“Законы Республики Узбекистан, об охране здоровья граждан”). Moreover, HIV+ people get free ARV treatment and should undergo regular comprehensive checkups. Every patient with HIV is required to have a full medical examination each year, which includes but is not limited to a dental examination, full-body scanning for cancer, neurological examination, dermatological examination, and cardiological examination. The patient also visits an infectious disease doctor each month, during which they can also have free psychological consultation.

Moreover, laws prohibit discrimination based on HIV status. The law “On contradicting the spread of diseases caused by the human immunodeficiency virus” bans the termination or

refusal of employment solely because of their HIV status (Yoursky 4). Furthermore, the law “On the protection of the health of citizens” guarantees protection against health-related discrimination. Uzbekistan is also the only country in Central Asia that does not have restrictions on the movement and residence of HIV+ people (“Uzbekistan – Regulations on Entry, Stay, and Residence for PLHIV”).

Yet most of these laws seem to be true only on paper. According to the report of a foreign worker, he was asked to present an HIV-test result to get a work permit license (“Uzbekistan – Regulations on Entry, Stay, and Residence for PLHIV”). Since he could not present a negative test result, he did not acquire the work permit. As someone who has lived in Uzbekistan for a long time, I can confirm that most employers require negative HIV and STDs results from employees regardless of their citizenship status. If the negative results are not presented, the candidates receive a rejection.

Moreover, some other laws are obviously contradictory. For example, people living with HIV must disclose information about their sexual partners to the Ministry of Internal Affairs; an attempt to conceal the source of information can result in a prison sentence (“Administrative Liability Code of 2010”). In addition to this, a huge group of people -- donors of blood, young people who want to marry, medical workers, people whose partners contract HIV -- are required to be tested, regardless of their wills (Yoursky 4-5). PLHIVs are also prohibited from working in the beauty sphere, surgery as well as internal affairs.

Another contradictory law exists with regard to citizens who worked outside the country for over three months (Yoursky 5-6). The Cabinet of Ministers of the Republic of Uzbekistan accepted this law on 28 April 2017 (“On Approval of the Rules for HIV Testing”). The document expects the migrant to come home within 18 hours after passing the border. During

those 18 hours, medical institutions in their neighborhood and the police inspector receive information about their arrival, who should ensure that the migrant undergoes the medical examination within 24 hours. If the migrant refuses to be tested, the police have a right to deliver the migrant to the HIV Center for mandatory testing (Yoursky 5). This law is in direct contradiction to the law of the Republic of Uzbekistan “On the protection of health Of 1999”, which states that any kind of medical testing as well as procedures should be voluntary, except for health conditions concerning drug addiction or substance abuse.

A lack of sex education in public schools is another significant contributing factor, considering two-thirds of the infected are young people. Being a Muslim country that grounds its morals on traditional Islamic values, the state has refused the introduction of sex education to the school curriculum, resisting any attempt. In 2010, Maxim Popov (“Sex Education Deemed Illegal in Uzbekistan”), was sentenced to seven years in prison for his attempt to raise public awareness of the HIV crisis and the promotion of healthy sex lifestyles.

However, Tanzila Kamalovna Narbayeva, the first female Chairperson of the Senate of Uzbekistan, proposed to start sex education classes in schools, for which she was heavily criticized. Later, she had to clarify her proposal. “ When I talked about sex education, our bloggers and journalists completely misunderstood this. The reason why I am talking about the need for sex education is that it is possible to prevent a number of health issues by taking girls to the gynecologist and boys to the urologist for a health check,” she comments (“Tanzila Narbayeva comments on her proposal about sex education classes in schools”). Apparently, the heavy criticism made her abandon her views, forcing to compile with the views of traditionalists.

Although Uzbekistan reports that men who have sex with men are not at a risk (“Order of the Ministry of Health of the Republic of Uzbekistan of 28 March 2012 80”), the official reports

raise a suspicion, considering the criminal liability of homosexuality. Uzbekistan and Turkmenistan are the only countries in Central Asia, where being gay is illegal. For engaging in sexual intercourse with another man, one can be imprisoned up to 3 years, although lesbianism is legal (“Penal Code 1994/95”). Despite signing a number of international conventions on human rights (the Universal Declaration of Human Rights in 1992, the International Covenant on Civil and Political Rights in 1996), the government refuses to decriminalize same-sex relations. It claims doing so will contradict traditional values, which Uzbek society holds. Here one sees a direct parallel with the Russian ban on gay propaganda, which also takes its roots in traditional values (Wilkinson 365).

Therefore, statistical data on men who have sex with other men cannot be reliable since many gay people admit that they cannot disclose their sexuality because of possible legal consequences (Yoursky 3). According to an HIV medical coordinator in Uzbekistan, whose name cannot be named due to security reasons, the international organizations that aid HIV people in Uzbekistan recommend gay men never disclose their sexual orientation, even to medical professionals. “When you disclose your orientation, the doctors are required to report your case to the Ministry of Internal Affairs. The ministry later raises a criminal charge on the grounds of homosexual contact,” he says.

PLHIV often hide their status due to draconian laws on HIV transmission. Article 113 of the Criminal Code reads, “knowingly putting at risk of HIV/AIDS infection or infecting with HIV/AIDs is punishable by imprisonment from five to eight years.” The law unambiguously says as long as a person with HIV has sex with another person, regardless of whether the latter gets infected or not, the former has committed a criminal act (Yoursky 7). Moreover, Comments to the Criminal Code of the Republic of Uzbekistan specifies that even if the victim voluntarily

exposes themselves to STDs or HIV, the person who knows that they have STD and put their partner at risk is still criminally liable. As a consequence, many people living with HIV normally do not reveal their status to partners, which is another vital contributing factor.

In conclusion, despite comparatively progressive laws and universal healthcare, there is an HIV crisis in Uzbekistan, whose extent can be larger than what the official data reveals. Unless the state allows teaching sex education in schools, decriminalizes homosexuality, and revises the legal system with its seemingly contradictory laws, the HIV crisis is likely to grow.

1334 words

Works Cited

- “On Approval of the Rules for HIV Testing.” *Regulations*, The Republic of Uzbekistan, regulations.gov.uz.
- “Penal Code 1994/95.” *Legislationonline.org*, 22 Sept. 1994, <https://www.legislationonline.org/download/action/download/id/1712/file/a45cbf3cc66c17f04420786aa164.htm/preview>.
- “Regulations on Entry, Stay and Residence for PLHIV.” *HIVTravel.org*, Deutsche AIDS-Hilfe, 30 Jan. 2022, <https://www.hivtravel.org/Default.aspx?PageId=143&CountryId=192>.
- “Sex Education Deemed Illegal in Uzbekistan.” *Civicus.org*, CIVICUS, 9 May 2011, <https://www.civicus.org/index.php/media-resources/media-releases/217-archive/2611-sex-education-deemed-illegal-in-uzbekistan>.
- “Tanzila Narbayeva Comments on Her Proposal about Starting Sex Education Classes in Schools.” *Kun.uz*, 5 Dec. 2020, <https://kun.uz/en/news/2020/12/05/tanzila-narbayeva-comments-on-her-proposal-about-starting-sex-education-classes-in-schools>.
- “Uzbekistan HIV and AIDS Estimates.” *Unaids.org*, UNAIDS, 2020, <https://www.unaids.org/ru/regionscountries/countries/uzbekistan>.
- Yoursky, Yurki. “Legislative Analysis Related to LGBT Rights and HIV in Uzbekistan.” *Ecom.ngo*, Eurasian Coalition on Male Health, 2019, https://ecom.ngo/wp-content/uploads/2019/12/ECOM_Legal-Environment-Assessment-2019_Uzbekistan_ENG.pdf.

“Законы Республики Узбекистан, Об Охране Здоровья Граждан.” *Spinform.ru*,

Base.spinform.ru, 21 Apr. 2021, https://base.spinform.ru/show_doc.fwx?rgn=945.