

Research Briefing

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LGBT+ rights in south and central Asia

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Summary

This briefing covers LGBT+ rights and inclusion in 12 countries across central and southern Asia, including Georgia and Armenia in the West, Central Asian states such as Turkmenistan and Uzbekistan, and Pakistan, India and Sri Lanka in South Asia.

Unless stated, the information in this briefing applies to 2020/21.

Terminology

We use the acronym LGBT+ in this briefing (except when quoting someone else's words). This refers to lesbian, gay, bisexual and transgender people. The '+' symbol is used to include people who do not identify with typical binary notions of male and female, or who decide to identify themselves using other categories to describe their gender identity or sexuality, such as non-binary or queer. In the countries we focus on, the legislation is largely around same sex sexual activity rather than gender identity.

Legal discrimination

Many states inherited laws criminalising homosexuality [from their colonial past](#) when Britain controlled territories in South Asia, or from the Soviet Union in the case of some former Soviet States (such as Georgia). State-sanctioned interpretations of sharia law also inform legal frameworks that criminalise same-sex relations, as in the [case in Pakistan](#) and [Afghanistan](#) for example.

Some progress has been seen in recent years. A Court case [in India](#) in 2018 decriminalised same-sex relations, while laws have been repealed in [the Seychelles](#) and in former Soviet territories such as [Georgia](#) and [Azerbaijan](#).

LGBT+ rights in Afghanistan under the Taliban

LGBT+ people have [long faced discrimination in Afghanistan](#), and same-sex relations were criminalised in the country prior to the Taliban's capture of Kabul in August 2021. Since August, the NGO Human Rights Watch has reported that LGBT+ people "[face an increasingly desperate situation and grave threats](#)" under the Taliban.

LGBT+ Afghans are considered [one of the priority groups for UK relocation and resettlement schemes for Afghan nationals](#), given their high degree of vulnerability. For more on these schemes, see the Library briefing [UK immigration routes for Afghan nationals](#), CBP9307.

Activism and NGOs

Restrictions on freedom of association limit LGBT+ activism in many parts of the region.

In Bangladesh, for example, some activists have been [threatened by officials and citizens](#) (PDF) when they attempt to register LGBT+ organisations. In [Uzbekistan, legislation prohibits the formation of associations](#) (PDF) that infringe on “the health and morality of the population.” Laws in Turkmenistan also prohibit the establishment of organisations that [may encroach on “citizens’ health or morality.”](#)

Freedom of speech is also restricted in parts of the region. In Pakistan, 2016 legislation allows media authorities to [block access or remove content on grounds of morality](#) (PDF).

UK Government and global LGBT+ rights

The Foreign, Commonwealth and Development Office has identified 31 priority countries for UK efforts to [“advance human rights” globally](#). These include Afghanistan, Bangladesh, Pakistan, Sri Lanka, Turkmenistan, and Uzbekistan.

Its annual reports on [human rights in these countries](#) highlight continuing restrictions on the civic freedoms of groups such as LGBT+ people. The Department says its diplomatic network continues to raise the issue of LGBT+ rights. In 2020, for example, it funded a meeting of multi-faith religious and belief leaders to discuss global discrimination against LGBT+ people.

On 17 May 2021, the Minister for Women and Equalities made a [written statement](#) on the first ever global LGBT rights conference, taking place in the UK in 2022. The aim is to bring together states and civil society to improve LGBT+ inclusion globally. It will address three challenges:

1. Supporting decriminalisation and legislative reform to advance equality and legal protections for LGBT people globally.
2. Tackling violence and discrimination.
3. Improving access to public services.

Further reading

- Anti-Discrimination Centre, [LGBTI+ in the region of central Asia: Repressions, discrimination, exclusion](#), 2020
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), [State sponsored homophobia: Global update](#), 2020
- BBC News, [377: the British colonial law that left an anti-LGBTQ legacy in Asia](#), June 2021
- ILGA Europe, [Rising challenges for LGBTI organisations in Europe and central Asia, new report finds](#), January 2022
- ILGA Asia: [News](#)

1 Afghanistan

On 15 August 2021, the Taliban captured Kabul as coalition troops withdrew. They are now in effective control of the country.

1.1 Situation prior the Taliban's capture of Kabul

Same-sex relations were criminalised

The Afghan Penal Code was revised in 2018 and, in contrast to the previous Code, explicitly criminalises consensual same-sex sexual relations.¹ Under sections 645, 646, 648 and 649 same-sex sexual relations are illegal, and carry a prison sentence of up to two years, depending on the “offence” and whether the accused is a man or a woman. Under section 650 incitement is also a criminal offence.²

Afghanistan is also one of the few countries in the world where consensual same-sex sexual relations are punishable with flogging or potentially the death penalty, though there were no known executions for homosexuality from 2001 to 2020.³

According to the Home Office there were no known recent prosecutions by Afghan State authorities for same-sex sexual conduct. It has been noted, however, that “the lack of appetite to prosecute” did not in any way indicate an increased openness to homosexuality.⁴

Discrimination and harassment was reported

In its [2020 Human Rights report](#), the US State Department commented that police and wider society subjected LGBT+ people to discrimination and harassment. It said they had limited support from NGOs and access to health services:

¹ The previous Code was not so explicit. Under article 427 it proscribed long term imprisonment for “pederasty” which is commonly defined as sex between two men.

² Home Office, [Country Policy and Information Note: Sexual orientation and gender identity or expression](#), February 2020 (archived August 2021), p13

³ Home Office, [Country Policy and Information Note: Sexual orientation and gender identity or expression](#), February 2020 (archived August 2021), Annex A

⁴ Home Office, [Country Policy and Information Note: Sexual orientation and gender identity or expression](#), February 2020 (archived August 2021), p16

LGBTI individuals did not have access to certain health-care services and could be fired from their jobs because of their sexual orientation. Organizations devoted to protecting the freedom of LGBTI persons remained underground because they could not legally register with the government. Even registered organizations working on health programs for men who have sex with men faced harassment and threats by the Ministry of Economy's NGO Directorate and NDS [National Directorate of Security] officials.⁵

Under the Afghan State's media laws any publication of material "contrary to the principles of Islam" is prohibited, as is the use of the press to incite others to commit an offence or to "seek depravity".⁶

1.2 Situation following the Taliban's capture of Kabul

Since taking power, the Taliban have emphasised that gay rights will not be respected under their interpretation of Islamic law.⁷

Human Rights Watch state that LGBT+ people in the country "face an increasingly desperate situation and grave threats" under the Taliban. Based on interviews with 60 LGBT+ Afghans, it cited examples of:

- Taliban attacks on them because of their sexual orientation or gender identity
- Abuse from family members
- Being forced to flee their homes
- Rapes and mob attacks.⁸

1.3 UK Government statements

A debate was held in Westminster Hall on [LGBTQ+ Afghan refugees in September 2021](#). In January 2022, the Foreign, Commonwealth and Development Office said it had been able to evacuate some LGBT+ people:

LGBT+ people have long faced discrimination and violence in Afghanistan, and are unable to live openly. The UK Government worked closely with Rainbow Railroad, Stonewall and MicroRainbow to evacuate 42 at-risk LGBT+ people and eligible dependents to the UK in October and December 2021. We continue

⁵ US State Department, [Country reports on human rights practices: Afghanistan](#), March 2021

⁶ ILGA World, [State sponsored homophobia](#) (PDF), 2020, p154

⁷ Reuters, [Taliban says gay rights will not be respected under Islamic law](#), 29 October 2021

⁸ Human Rights Watch, [Afghanistan: Taliban target LGBT Afghans](#), 26 January 2022

to work with humanitarian partners to ensure our programmes are inclusive and aid reaches those in need, including LGBT+ Afghans.⁹

LGBT+ people are one of the groups considered vulnerable for the purposes of the [UK's resettlement and relocation schemes for Afghan nationals](#). The Library briefing [UK immigration routes for Afghan nationals provides more](#).

Further reading

- CNN, [Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover](#), September 2021
- France 24, [Taliban has a hit list for the Afghan LGBT community](#), NGO says, November 2021
- Human Rights Watch, [Afghanistan: Taliban target LGBT Afghans](#), January 2022
- UK Visas and Immigration, [Country police and information note: Fear of the Taliban, Afghanistan](#), updated February 2022

⁹ PQ 107621 [[Afghanistan: LGBT+ people](#)], 27 January 2022

2 Armenia

2.1 Legal situation

Homosexual activity has been legal since April 2003 and there is equality in the age of consent at age 16.

There are no legal protections against discrimination for LGBT+ people in Armenia.

Adoption is possible for single people in Armenia and there is no specific mention of LGBT+ people in the law relating to adoption.

There is a legal right to change gender in Armenia and surgery is not required.¹⁰

Same-sex marriage is not recognised. In November 2019, the Parliament rejected a draft law aiming to outlaw same-sex marriage, saying the Constitution already defines marriage as a union between “a woman and a man.” Another draft text to outlaw adoption by same-sex couples and trans people was also rejected during the same session.¹¹

2.2 Discrimination

US State Department reports

The US State Department states that societal discrimination based on sexual orientation and gender identity negatively affected all aspects of life in Armenia, including employment, housing, family relations, and access to education and health care.

Anti-LGBT+ sentiments and calls for violence escalated during periods of political activism. The State Department said that many politicians and public

¹⁰ See [Equaldex LGBTQ rights: Armenia](#) and US State Department, [Country reports on human rights: Armenia](#), 2021

¹¹ ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Armenia covering the period of January to December 2019](#)

figures, in particular supporters of the former government,¹² used anti-LGBT+ rhetoric, often positioning LGBT+ persons as a “threat to national security”.¹³

Pink Armenia reports

A joint Pink Armenia-Eastern European Coalition of LGBT+ Equality [submission to the UN Human Rights Council](#) in July 2019 emphasised that there are no effective legal remedies to litigate and get protection from discrimination on the grounds of sexual orientation and gender identity in the country.

The report said that discrimination on the grounds of sexual orientation and gender identity continued to be on “a worrisome level”. Dozens of discrimination cases had been reported by civil society organisations, but the government had not responded on a legislative or policy level.

The report details discrimination in the health system, with examples of LGBT+ patients being mocked by medical staff and members of the medical profession coming up with anti-scientific or biased information on sexual orientation, gender identity and its development. In the education system, some LGBT+ people are bullied not only by other students but also by teachers.¹⁴

Pink Armenia documented 21 cases of physical and sexual violence, and threats of violence towards LGBT people during 2020, 11 of which were committed by the family members.¹⁵

ECRI report

The Council of Europe’s [European Commission against Racism and Intolerance \(ECRI\)](#) published a country report on Armenia in October 2016. It stated in the executive summary that:

ECRI notes a rise in hate speech leading to acts of violence. The main targets of this are members of the LGBT community and non-traditional religious groups. This situation is all the more worrying given that there is a high level of under-reporting of racist and homo/transphobic crime and that the effectiveness of the criminal, civil and administrative law provisions dealing with hate crime or discrimination is seriously hampered by the shortcomings in legislation. In addition, political discourse frequently contains statements stigmatising these vulnerable groups, which helps trivialise racist and intolerant attitudes within the population.¹⁶

¹² The conservative Republic Party was the ruling party from 1999 to 2018.

¹³ US State Department, [Country reports on human rights: Armenia](#), 2021

¹⁴ Pink Armenia and Eastern European Coalition of LGBT+ Equality, Submission to the Human Rights Council at the 35th session of the universal periodic review, “[On discrimination on the grounds of sexual orientation and gender identity](#)”, Republic of Armenia, report submitting in July 2019

¹⁵ ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Armenia covering the period of January to December 2020](#)

¹⁶ ECRI, [Fourth report on Armenia](#), adopted on 28 June 2016 /published on 4 October 2016

More details and examples were provided in the full report. The ECRI recommended that the authorities in Armenia introduce legal changes to prohibit discrimination on the grounds of colour, language, nationality (understood as citizenship), national or ethnic origin, sexual orientation, and gender identity. [A follow-up report by ECRI](#) in 2019 on the implementation of its recommendations by Armenia noted that the government had proposed a new draft Criminal Code. However, it expressed concern that not all the grounds listed by ECRI are included.¹⁷

Hate crimes and other violations

The State Department Report referred to work by the NGO Pink Armenia in documenting a total of 41 cases of direct and associated discrimination on grounds of sexual orientation and gender identity in 2020, as compared with 37 such cases throughout 2019.¹⁸

It also referred to the work of the NGO New Generation, which reported 130 cases of alleged violations of the rights of LGBTI individuals during the year. The cases occurred in families (37%), the conscription process and military service (20%), labour relations within the service sector (20%), law enforcement (12%), and health services (11%). Domestic violence against LGBTI persons was also reported.¹⁹

The State Department report highlighted a 2018 survey by the NGO Right Side on hate crimes against transgender persons. This identified 100 cases of hate-motivated violence in a 12-month period during 2016-17. Most incidents took place in public spaces, usually at night. Victims reported they were more likely to seek support from friends or LGBTI NGOs than from a victim support group or medical professionals. Only a small number of respondents said police were supportive.²⁰

Shurnukh case, 2018

In August 2020, the Criminal Court of Appeal ruled that the rights of the victims of the 2018 Shurnukh case, where nine LGBT+ people were attacked by a group of 30, were violated when the investigator decided not to prosecute. The investigation will have to start anew, and consider the bias motif of the attack on grounds of Sexual Orientation and Gender Identity (SOGI), and the severe mental and physical harm caused. Another similar ruling was passed on 16 September by the Criminal Court of Appeal.²¹

¹⁷ ECRI, [Conclusions on Armenia](#), adopted on 18 June 2019 / published on 10 September 2019

¹⁸ US State Department, [Country reports on human rights: Armenia](#), 2021

¹⁹ US State Department, [Country reports on human rights: Armenia](#), 2021

²⁰ US State Department, [Country reports on human rights: Armenia](#), 2021

²¹ ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Armenia covering the period of January to December 2020](#)

The Covid-19 pandemic

The US State Department also said the Covid-19 crisis exacerbated the legal, social, and economic inequalities faced by LGBT+ individuals.

The majority of such persons were employed in the service sector or relied on street-based work or charity and lost their livelihoods during the state of emergency. This affected their access to food, accommodation, and other basic necessities.

Some LGBT+ individuals who had previously left abusive families risked homelessness, while others were locked down with family members who did not accept them. Many LGBT+ individuals also found that they were unable to avail themselves of any of the various government programmes to support vulnerable groups during the Covid-19 crisis while discrimination by health-care providers severely limited their access to health care.²²

2.3

UK Government statements

In 2017, the Foreign Office Minister, Sir Alan Duncan, raised the importance of diversity and inclusion in a speech to the National Assembly of Armenia in September 2017. The UK embassy has also been active, and the Government has called for hate speech to be condemned:

The British Ambassador and her team are in close contact with Armenian LGBT community representatives, have regularly hosted events for LGBT civil society organisations and spoken at conferences on LGBT issues to reiterate UK support for the universality of human rights. The British Embassy in Yerevan, along with other Embassies, has expressed grave concern over the upward trend in cases in Armenia where hate speech, including death threats, have been made against minorities and human rights defenders, particularly those promoting LGBT rights.

The UK, alongside partners, has called for hate speech to be condemned and for law enforcement agencies to take urgent steps to guarantee the physical safety of Armenian citizens and to investigate allegations against those suspected of perpetrating hate crimes.²³

Further reading

- Commons Library, [LGBT+ rights and issues in Europe](#) provide more on LGBT+ inclusion and rights in Armenia. This includes gay men serving in the military, prison conditions and access to medical treatment.

²² US State Department, [Country reports on human rights: Armenia](#), 2021

²³ PQ 248579 [[Armenia: LGBT people](#)], 2 May 2019

- ILGA Europe: [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Armenia covering the period of January to December 2020](#)
- ILGA Europe: [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Armenia covering the period of January to December 2019](#)
- Pink Armenia, [Human rights situation of LGBT people in Armenia during 2019](#)
- Pink Armenia, [Submission to the Human Rights Council at the 35th Session of the Universal Periodic Review](#), Report submitting in July 2019
- European Commission against Racism and intolerance, [Country reports on Armenia](#), 1997 to 2018.

3 Azerbaijan

3.1 Legal position

Homosexual activity in Azerbaijan was decriminalised on 1 September 2000, when a new [criminal code](#) was introduced, repealing existing Soviet Union-era provisions.

However, same-sex marriage is illegal, as is same-sex adoption, and there are no legal protections against discrimination for the LGBT+ community. Conversion therapy is not banned. There is no legal right to change gender in Azerbaijan.²⁴

The US State Department notes that antidiscrimination laws exist in Azerbaijan but do not specifically cover LGBT+ individuals. Activists reported that LGBT+ individuals were regularly fired by employers if their sexual orientation or gender identity became known.

LGBT+ individuals generally refused to file formal complaints of discrimination or mistreatment with law enforcement bodies due to fear of social stigma or retaliation. Activists reported police indifference to requests that they investigate crimes committed against LGBT+ individuals.²⁵

3.2 Examples of discrimination

In its 2021 review of the human rights situation for LGBT people in Azerbaijan, ILGA Europe highlighted a series of discriminatory acts and hate crimes against LGBT+ people. These included the following:

- In May and June 2021, a series of attacks took place in Baku against trans people, gay men, and a gay couple. Ten incidents were reported to the police, but the response was poor. Civil society in Azerbaijan expressed concern that the lack of police action would continue to create an atmosphere of impunity.
- In August 2021, a trans woman was murdered in Baku. A dozen activists held a protest outside the Office of the Ombudsperson as a response. Another trans woman was attacked in Baku in November.

²⁴ Equaldex, [Azerbaijan](#)

²⁵ US Department of State, Bureau of Democracy, Human Rights, and Labor, [2020 Country Reports on Human Rights Practices: Azerbaijan](#), 30 March 2021 (opens pdf).

- In January 2021, Deputy Chairman of the parliamentary Human Rights Committee, Tahir Karimli said he could not tolerate the issue of sexual minorities.
- In July 2021, the leader of the Muslim Union Movement (MBH), Tale Bagirzadeh, called LGBT+ people “immoral and sick-minded” in an interview. Also in July, the Chairman of the White Party, Tural Abbasli called LGBT+ people an “abomination”.

In its 2020 review of Azerbaijan, ILGA Europe highlighted the following:

- A young gay couple shared a post of themselves on Valentine’s Day, which quickly went viral. The couple received multiple death threats and some people offered to pay money for their murder. The couple contacted the police, who refused to help them or start an investigation. The couple had to go into hiding.
- In May 2020, members of the Azerbaijani opposition, the National Council of Democratic Forces (NCDF) made homophobic statements in a meeting that was leaked online. Members of the NCDF scolded Ismail Djalilov, an Azerbaijani journalist living in the US, for being openly gay. Rafik Manafli, a board member of the Civil Unity Party, said that “it’s a pity that Hitler did not wipe out all gays in his time”. Nafas LGBT Azerbaijan Alliance, Minority Azerbaijan and AZAD LGBT Collective released a joint statement condemning this rhetoric by the country’s political leadership. Also in May 2020, Sabir Rustamkhanli, MP of the Civic Solidarity Party (VHP) compared being LGBT+ to an “incurable disease”.
- Shaig Kalbiyev, a gay activist of Gender and Development, died in the armed conflict over Nagorno-Karabakh between Azerbaijan and Armenia. Tural Museyibov, previously press representative of the State Maritime Agency, made disparaging and homophobic remarks about him and said he did not deserve respect and should not have dared “to go and protect our land”. The statement caused national debate, with many public figures standing up for Kalbiyev.
- Hate crimes against the LGBT community continued to be a serious issue in 2020. In May, two gay men were attacked in Baku. The police did not investigate.
- In July 2020, the police detained a group of trans people, alleging that they were promoting drug use on their TikTok account. The police shared their testimony, which was then streamed on state media, in an attempt to discredit LGBTIQ people and create a negative public image.
- In March 2020, the Baku Main Police Office shared that it detained a number of sex workers and “sexual minorities” in Sabunchu. Those allegedly belonging to sexual minorities were subjected to medical examinations.
- In July 2020, a trans woman with multiple stab wounds was denied appropriate medical help, and had to leave hospital while still bleeding. In October a 21 year-old trans person, passed away due to a lack of appropriate medical treatment for TB, Hepatitis C, and related health

issues. This was after having previously faced arbitrary arrests, discrimination, and homelessness because of her gender identity.

- In March 2020, LGBT+ organisations Nafas and Minority Azerbaijan were hacked online, in what seems to have been an attack by the authorities. Some of their members were also targeted after they participated in the Women's Day March in Baku. Minority Azerbaijan and Nafas managed to regain access to their accounts, but the latter lost all their content since 2012.²⁶

3.3

Police raids on LGBT+ community

In February 2019 the European Court of Human Rights began an investigation into police raids on the LGBT+ community in 2017.

The raids involved arrests and detentions of more than 83 men presumed to be gay or bisexual as well as transgender women.

Media outlets and human rights lawyers reported that police beat detainees and subjected them to electric shocks to obtain bribes and information regarding other gay men. Detainees were released after being sentenced to up to 30 days of administrative detention, fined up to 200 manat (£87), or both. In 2018 some victims of the raids filed cases against the state in the ECHR.

The authorities claimed the arrests had been made as part of a crackdown on prostitution, but activists said LGBT+ people were specifically targeted. Alleged victims reported being subject to beatings, verbal abuse and forced medical examinations; trans women were said to have had their heads forcibly shaven.

According to Stonewall, many had already been arrested multiple times and were only released after giving up details – under duress – of other members of the LGBT+ community, who were then also arrested.²⁷

Human rights groups have long criticised Azerbaijan's record under President Ilham Aliyev. However, it has been claimed that the country's oil wealth and lobbying efforts have meant international criticism has often been muted.²⁸

²⁶ ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Azerbaijan covering the period of January to December 2020](#)

²⁷ Stonewall, [Stand up for LGBT people arrested and tortured in Azerbaijan](#), 17 September 2017

²⁸ The Guardian, [Outcry as Azerbaijan police launch crackdown on LGBT community](#), 28 September 2017

3.4

UK Government statements

Following the police raids in September 2017, which led to mass arrests of perceived gay and bisexual men – as well as trans women – in Baku, there was some UK Parliamentary activity on LGBT+ rights in Azerbaijan.

On 16 October 2017 the Foreign Office Minister, Sir Alan Duncan, said:

We are deeply concerned about recent reports of some members of the LGBT community in Azerbaijan being arrested and detained by the authorities. Foreign and Commonwealth Office officials have raised these specific reports with the Azerbaijan Government and have received assurances that all those arrested have now been released. We monitor the human rights situation in Azerbaijan closely and we regularly press the government to meet their international human rights obligations.²⁹

Further reading

- Commons Library, [LGBT+ rights and issues in Europe](#) provides more on LGBT+ inclusion and rights in Azerbaijan.
- ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Azerbaijan covering the period of January to December 2021](#)
- ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Azerbaijan covering the period of January to December 2020](#)
- European Commission against Racism and Intolerance, [Country reports on Azerbaijan, 2003 to 2019](#)
- Equaldex, [Azerbaijan](#)

²⁹ [PQ106097](#), 16 October 2017

4 Bangladesh

4.1 Legal position

Same-sex conduct is criminalised

Section 377 of the Penal Code (Act XLV of 1860) criminalises “unnatural offences”. This is defined as “carnal intercourse against the order of nature with any man, woman or animal.” The potential punishment is imprisonment for life.³⁰

The ILGA states that prosecutions under the law remain rare, but it has been used to harass, detain and charge suspects. It cited an example from 2017:

In May 2017, the police special forces—the Rapid Action Battalion—was mobilised to raid a gathering in Dhaka: 28 men were arrested and outed in the media as gay. All were eventually released and granted bail.³¹

Other protections are lacking

The US State Department states protections for LGBT+ people are lacking in multiple areas, including housing, employment, nationality laws, and access to government services such as health care.³²

Hijra rights

In September 2020, the Director General of the Bangladesh Bureau of Statistics announced the 2021 national census would include hijra as a “third gender” category.³³

Human Rights Watch note further that:

The government has taken some positive steps in recent years, such as declaring legal recognition of a third gender category for hijras. However, implementation has been fraught as [mandatory medical examinations](#) have resulted in abuse. [...] In November 2020, a religious

³⁰ ILGA World, [‘State-sponsored homophobia: global legislation overview update’](#), December 2020, pp129-130.

³¹ ILGA World, [‘State-sponsored homophobia: global legislation overview update’](#), December 2020, pp129-130.

³² US Department of State, [‘2020 Country Reports on Human Rights Practices: Bangladesh’](#), accessed 5 July 2021.

³³ US Department of State, [‘2020 Country Reports on Human Rights Practices: Bangladesh’](#), accessed 5 July 2021.

charity in Dhaka [opened an Islamic school for hijras](#), which activists heralded as “a beacon of hope” for the community.³⁴

An ‘other’ gender marker is also available on passport forms, but supporting documentation of a birth certificate or a national ID card is required when issuing a passport. At present, neither of those documents can carry an ‘other’ marker, meaning that uncertainty exists over the success of potential passport applications. In Bangladesh hijras can access the ‘other’ gender marker category whereas non-hijra trans persons (eg trans men) cannot. In January 2019, hijras were able to register to vote under the “other” category through a “third gender” category in the national voters list.³⁵

Freedom of expression/association

ILGA World report that LGBT+ societies can struggle to become registered with the state. Only specific types of organisations may be registered under the Societies Registration Act (1860) pursuant to Section 20 and activists have reported that registration of their groups has been rejected on the basis of the criminalisation of same-sex sexual conduct.

In addition, due to threats to the safety of activists by state officials and citizens, activists have been unable to complete the registration process which requires them to meet with government officials.³⁶

4.2 Social attitudes

Polling

A Pew Research Survey in 2013 found that of those surveyed in Bangladesh, 67% said that homosexual behaviour was morally wrong, with 10% saying it was morally acceptable.³⁷

Inge Amundsen writing in March 2018 for the East Asian Forum, claims LGBT+ rights have gone backwards in Bangladesh, saying “what was once a fledgling lesbian, gay, bisexual and transgender (LGBT) community in the Bangladeshi capital of Dhaka is now destroyed”. He further detailed:

In 2014 and 2015 the Bangladeshi gay scene was cautiously becoming more open. ‘Rainbow Rally’ pride parades were held and a gay magazine called Roopbaan was in print. But the LGBT community has since been

³⁴ Human Rights Watch, ‘[Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity: Bangladesh](#)’, accessed 5 July 2021.

³⁵ Home Office, [Country policy and information note: Bangladesh: Sexual orientation and gender identity and expression](#) (PDF), April 2020, p8

³⁶ ILGA World, ‘[State-sponsored homophobia: global legislation overview update](#)’ (PDF), December 2020, p174.

³⁷ Pew Research Centre, ‘[The world’s Muslims: religion, politics and society, chapter 3: morality](#)’, 30 April 2013.

scared back from the streets, and to be openly gay in Bangladesh is now life threatening.³⁸

Political changes?

Amundsen claims it is the rise of more intolerant forms of Islam and political parties trying to make political capital out of this change that has led to this deterioration:

This rise of political Islam in Bangladesh can largely be attributed to the opposition's (and to a lesser degree the ruling party's) use of religion as a political tool. The main opposition, the Bangladesh Nationalist Party (BNP), is a religiously inclined, right-of-centre party. The BNP is said to instigate religious intolerance and to 'ride the Muslim bandwagon' in order to gain and maintain support. [...]

The ruling party, Awami League, is professedly secular. But behind its 'war on terror' and heavy clamp-down on militant Islamism (which it has also used to justify restrictions of civil and political rights), the Awami League has toned down its secularism and become more 'Islam friendly'. In a Muslim-majority country with a strong Islamic revivalist movement, the Awami League is fearful of losing support by offending Islamic sentiments.³⁹

Attacks on LGBT+ people

In April 2016 Xulhaz Mannan, the founder of Bangladesh's only lesbian, gay, bisexual and transgender (LGBT) magazine, and Mahbub Rabbi Tonoy were [hacked to death](#) by suspected Islamist militants in Dhaka. The investigation into their deaths faced significant delays. The deaths also "generated a chilling effect within the LGBT community".⁴⁰

Following the event and continued harassment, many members of LGBT community, including the leadership of key support organisations, [reduced their activities and sought refuge](#) both inside and outside of the country. It was [reported](#) that Ansar al-Islam, the Bangladeshi division of al-Qaeda, claimed responsibility for the killings.⁴¹

Trans people

Hijras in Bangladesh are often mentioned alongside the transgender community. The Bangladeshi newspaper the Dhaka Tribune describe the word

³⁸ ['The ruins of Bangladesh's LGBT community'](#), East Asia Forum, 23 March 2018.

³⁹ ['The ruins of Bangladesh's LGBT community'](#), East Asia Forum, 23 March 2018.

⁴⁰ Human Dignity Trust, ['Bangladesh profile: Persecution and Discrimination'](#), accessed 5 July 2021

⁴¹ Amnesty International, [One year after the murders of Xulhaz Mannan and Mahbub Rabbi Tonoy](#), 25 April 2017; CNN, [Al Qaeda group claims responsibility for Bangladesh LGBT hacking orders](#), 28 April 2016

as “an umbrella term referring to someone who is born male but does not refer to themselves as a man or woman”.⁴²

Human Rights Watch write that “people who, assigned “male” at birth, identify as feminine later in life and prefer to be recognized as hijra or a third gender”.⁴³

Human Rights Watch conducted interviews with several trans men (men who have a male gender identity that does not conform to the female sex declared at birth), and published the results in a January 2018 report:

All of them spoke of bullying at school, barriers to employment, difficulty accessing health care, as well as harassment and verbal abuse in both public and private spaces. On top of these difficulties, they feared for their safety amid a climate of impunity for attacks on minorities by religious extremists [...].⁴⁴

4.3 UK Government statements

In 2019, the UK Government said it welcomed some progress in Bangladesh, but remained concerned for LGBT+ rights in the country:

We welcome recent Bangladeshi legislation recognising the rights of the Hijra/transgender community. However, homosexuality remains illegal in Bangladesh, and we are aware that LGBT campaigners have been targeted by extremists and remain under pressure. UK ministers and our High Commission in Dhaka will continue to engage with the Government of Bangladesh on the full range of our human rights concerns, including LGBT rights.⁴⁵

Further reading

- [The ruins of Bangladesh’s LGBT community](#), East Asia Forum, 23 March 2018
- Human Rights Watch, [‘Bangladesh: Transgender Men Fear for Their Safety](#)’, 19 January 2018
- [‘Transgenders to gain inheritance rights in Bangladesh](#)’, Dhaka Tribune, 16 November 2020
- Al-Jazeera, [Bangladesh town elects country’s first transgender mayor](#), November 2021
- Human Dignity Trust, [Bangladesh profile](#)

⁴² [‘Transgenders to gain inheritance rights in Bangladesh](#)’, Dhaka Tribune, 16 November 2020.

⁴³ Human Rights Watch, [“I Want to Live With My Head Held High”: Abuses in Bangladesh’s Legal Recognition of Hijras](#)’, 23 December 2016.

⁴⁴ Human Rights Watch, [‘Bangladesh: Transgender Men Fear for Their Safety](#)’, 19 January 2018.

⁴⁵ PQ 1946 [\[Bangladesh: LGBT people\]](#), 28 October 2019

5 Bhutan

Legal position

Ending of criminalisation of same-sex relations

Until December 2020, [Bhutan's Penal Code](#) (PDF) criminalised same-sex sexual activity. Under Section 213 of the 2004 Code, the law criminalised “unnatural sex”. This was defined as “sodomy or any other sexual conduct that is against the order of nature.”⁴⁶ This offence was punishable by imprisonment for between 1 month and 1 year.

In December 2020, Bhutan's Parliament passed the [Penal Code \(Amendment\) Act of Bhutan 2021](#) (PDF), which amended this law to exclude homosexuality between adults from its scope.⁴⁷

Many gaps in protection remain

The US State Department's [2020 country reports on human rights practices: Bhutan](#) noted the gaps that still exist on protections against discrimination:

- While the constitution provides for equal protection of the laws and application of rights, it does not explicitly protect individuals from discrimination based on their sexual orientation, gender identity or expression, or sex characteristics
- No provisions for recognising a legal status for transgender individuals.⁴⁸

Bhutan currently does not provide a legal right to marry or join a civil partnership for same sex couples.⁴⁹

Further reading

- [Bhutan on Brink of Overturning Same-Sex Conduct Ban](#), Human Rights Watch, January 2020
- [Bhutan Becomes Latest Asian Nation to Dial Back Anti-Gay Laws](#), The New York Times, 12 December 2020

⁴⁶ [Penal Code of Bhutan](#), 2004 (PDF)

⁴⁷ [Penal Code \(Amendment\) Act of Bhutan 2021](#) (PDF)

⁴⁸ [2020 country reports on human rights practices: Bhutan](#), US State Department, 30 March 2021.

⁴⁹ [Marriage Equality: During Pride Month, a Look at LGBT Rights](#), Human Rights Watch, June 2021.

6 Georgia

6.1 Legislative rights

Same-sex sexual acts no longer a criminal offences

Under Soviet rule same-sex sexual acts between adults were criminalised. It was nearly a decade after independence before the law was changed in Georgia to meet the standards set out by the Council of Europe and the European Convention on Human Rights. Changes to the Criminal Code (2000) mean that consensual same-sex sexual acts are no longer a criminal offence.⁵⁰

Protection from some hate crimes

In 2012, changes to Georgia's Penal Code made an offence committed on the basis of sexual orientation a hate crime.⁵¹

Some broad protections, such as in employment

Georgia has no constitutional protection against discrimination based on sexual orientation. However, under the Act on the Elimination of all Forms of Discrimination, broad protections, including in relation to employment, have been in place since 2014 as part of the pre-conditions for Georgia's Visa Liberalisation Action Plan with the EU.⁵² Georgia is one of only a handful of former Soviet states that have implemented such legislation.⁵³

No same-sex marriage or civil unions, adoption

Georgia does not recognise same-sex marriage or civil unions and joint adoption by a same-sex couple remains prohibited.⁵⁴ In 2018 the Constitution of Georgia was amended to specifically define marriage as "a union of a woman and a man for the purpose of founding a family".⁵⁵

⁵⁰ ILGA World, ['State-sponsored homophobia: global legislation overview update' \(PDF\)](#), 2020, December 2020, p105

⁵¹ ILGA World, ['State-sponsored homophobia: global legislation overview update' \(PDF\)](#), 2020, December 2020, p246

⁵² Radio Free Europe/Radio Liberty, [Georgia's Antidiscrimination Law Opposed By Church Comes Into Effect](#), 9 July 2014

⁵³ ILGA World, ['State-sponsored homophobia: global legislation overview update' \(PDF\)](#), 2020, December 2020,

⁵⁴ Adoption by a single LGBT individual is not prohibited.

⁵⁵ UN Women, [Constitution of Georgia, 1995, as amended to 2020](#)

Conversion therapy legislation

In March 2019 a Bill was introduced in Parliament which would forbid licensed therapists from performing “conversion therapy” on anyone below the age of 18. At the time of writing, however, that bill is still pending.⁵⁶

The Government also continues to refuse to allow transgender people to obtain legal gender recognition without sex-altering surgery. In its report on Georgia for 2020, Human Rights Watch said the “(l)ack of legal gender recognition represents a serious obstacle in the daily lives of transgender people in Georgia, including their ability to find jobs”.⁵⁷

6.2 Attitudes within wider society

Polling

Despite progress in LGBT+ rights since independence in 1991, public discussion and attitudes toward sexuality within wider society tends to be more negative and viewed as contrary to the traditional orthodox Christian values which prevail in the country. According to a [June 2018 poll \(opens PDF\)](#) by the National Democratic Institute, only 23% of the Georgian population believes that the protection of the rights of sexual minorities is important.

Violence

As a result, the LGBT+ community is often the target of abuse and physical violence, which is often encouraged by religious leaders. In 2013 a gay pride march in Tbilisi was attacked with dozens of gay rights demonstrators beaten in the streets by far-right protesters and orthodox Christian priests.

Protests and Pride Marches

In 2014 the Georgian Orthodox Church labelled 17 May, which is the International Day Against Homophobia, Transphobia, and Biphobia (IDAHOT), as “Family Purity Day”. In 2019 hundreds of people marked the holiday by gathering in Tbilisi to protest “sodomy” and call for the protection of “family purity and morality”.

In June 2019 plans for Georgia’s inaugural Pride march were also cancelled due to unrelated anti-government demonstrations. The Tbilisi Pride march subsequently took place in July 2019, but only 40 activists were reported to have attended following renewed threats of violence from far-right nationalist groups and clerics.

⁵⁶ ILGA World, [‘State-sponsored homophobia: global legislation overview update’ \(PDF\)](#), 2020, December 2020, p268

⁵⁷ Human Rights Watch, [World Report 2021: Georgia](#)

The Government has been criticised for failing to take adequate measures to prevent such violence and support the rights of the LGBT community.

In its [2020 Annual Report on Human Rights](#), the US State Department raised a number of concerns with respect to the failure of the Georgian Government to adequately address ongoing violence against LGBT+ individuals. The report documented several instances of violence against LGBT+ individuals and organisations such as Tbilisi Pride during 2020 and noted “homophobic statements by politicians and public officials as furthering hatred and intolerance against the LGBTI community”.⁵⁸

6.3 Developments in 2021

ILGA Europe’s annual review of the human rights situation for LGBT+ people in Georgia in 2021 highlighted the following developments.

Hate speech and violence at Tbilisi Pride

Hate speech by religious and political leaders remained a notable issue in 2021, according to ILGA Europe. Its annual review commented on the hate speech and violence surrounding the staging of Tbilisi Pride in July 2021.

The review referred to “countless” anti-LGBT statements by government representatives and religious leaders in the lead up to the pride march planned for 6 July 2021. On the eve of the march on 5 July, Prime Minister Gharibashvili stated: “95% of our population is against holding a propaganda parade, friends, we must all obey, this is the opinion of the absolute majority of our population”.

Civil society organisations accused the government of contributing to the violent attacks the next day and the lack of police protection, investigation, and prosecution. A day before the planned pride march, violent mobs started roaming Tbilisi, encouraged by political leaders. The headquarters of Tbilisi Pride was attacked on 5 July with rainbow flags torn apart and burnt. Around 50 journalists who were reporting on the anti-LGBT protests were also beaten up and several were hospitalised. This led to the pride march being cancelled and anti-LGBT groups celebrating in the streets. Other offices of LGBT and human rights NGOs were also vandalised. ILGA Europe said that no police protection was provided.

On 6 July, hundreds showed up to protest against anti-LGBT violence and the failure of the police. On 11 July, thousands came to the streets again and called for the resignation of the Prime Minister after journalist Alexander Lashkarava was found dead in his home. Lashkarava was one of those attacked by mobs the previous week, and had been operated on following the

⁵⁸ US State Department, [2020 Country Reports on Human Rights Practices: Georgia](#), 30 March 2021

attack before being released from hospital. The Prime Minister released a statement on 12 July denying any responsibility for the violent attacks and Lashkarava's death. Seven NGOs jointly demanded government accountability.⁵⁹

Other examples of hate speech and violence

ILGA Europe report that the Minister of Culture, Sports, and Youth, Tea Tsulukiani made homophobic statements in March 2021 and members of the ruling party made anti-LGBT statements in June 2021.

There were also several reports of violence against trans people in 2021. In November, a trans woman was stabbed and killed and another trans woman was stabbed. The Prosecutor's Office established transphobic bias in both cases and prosecution was ongoing at the end of 2021.

Georgian Public Defender's report

The annual report by the Public Defender for Georgia on the protection for human rights and freedoms in the country highlighted the impact of the COVID-19 pandemic on the LGBTQ+ community and lack of adequate response from the state. This covered issues related to freedom of assembly, legal gender recognition, hate crimes and discrimination; and the growing anti-gender movement. The Public Defender urged the government to introduce gender recognition regulations and address socio-economic marginalisation. The Public Defender was met with an anti-LGBT backlash for this work.⁶⁰

European Court of Human Rights ruling

In December 2021, the European Court of Human Rights ruled in a case brought by the Women's Initiatives Supporting Group and others that Georgia had violated its obligations by failing to protect peaceful demonstrators at the 2013 IDAHOBIT events from anti-LGBT violence. It also said that the scale of violence could also be attributed into a failure to conduct an adequate investigation into previous violence against LGBT people during the previous year's event.⁶¹

Legal gender recognition

In March 2021, the first trans person in Georgia was granted legal gender recognition (LGR) by the Tbilisi Civil Registry Service. The applicant showed proof of surgery when applying for LGR in 2020. However, ILGA Europe point

⁵⁹ ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Georgia covering the period of January to December 2021](#)

⁶⁰ See [Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2020](#) (opens PDF)

⁶¹ European Court of Human Rights, [Judgment Women's Initiatives Supporting Group and Others v. Georgia - unprecedented violence against LGBT demonstrators](#), ECHR 391 (2021), 16 December 2021

out that Georgia has no legal or administrative procedures in place for LGR and several trans people have turned to the European Court of Human Rights to have this remedied.⁶²

6.4

UK Parliament material

In June 2019 Martin Docherty-Hughes MP raised the issue of lack of security for the Tbilisi Pride march on the Floor of the House.⁶³

In response, Mr Speaker said:

I cannot speak for the House as a whole, but to judge from debates that have taken place in this Chamber in recent years, my strong sense is that his point will have struck a chord. [...]

More widely, if I heard the hon. Gentleman correctly, he made what struck me as a wholly uncontroversial observation about the record of the Russian state in human rights generally and, more particularly, the protection—or rather the non-protection—of the rights of LGBT people. That is a profoundly unsatisfactory state of affairs, and it is about time it became more civilised in these important matters.⁶⁴

Further reading

- ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Georgia covering the period of January to December 2021](#)
- Open Democracy, [“LGBT+ rights in the Eastern neighbourhood: a geopolitical issue?”](#), July 2020
- Heinrich Böll Stiftung, [“Despite holding their first Pride in 2019, Georgia’s queer community is still in a vulnerable position”](#), 11 December 2019
- Baring Foundation, [Leading the way: The role of global Britain in safeguarding the rights of the global LGBTI+ community](#), November 2020
- [Report of the Public Defender of Georgia On the Situation of Protection of Human Rights and Freedoms in Georgia, 2020](#) (opens PDF)

⁶² ILGA Europe, [Annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Georgia covering the period of January to December 2021](#)

⁶³ HC Deb 5 June 2019, c147

⁶⁴ HC Deb 5 June 2019, c147-9

7 India

7.1 Legal situation

2018 legal case

In 2018, India's supreme court ruled that gay sex is no longer a criminal offence. This overturned a 2013 ruling that upheld colonial-era legislation which had termed gay sex "an unnatural offence".⁶⁵

2021 legal case

In 2021, an Indian court ordered state and federal governments to reform LGBT+ rights following a court case brought by a lesbian couple who said they had been harassed by the police.

The judge called for the elimination of what they termed the "illegal discrimination" against LGBT+ people in areas such as education and public services.⁶⁶

Protections

ILGA World states protections for LGBT+ people, such as in employment or protections from hate crime, are lacking. However, it notes there may be some case law extending some protections to the public sector.⁶⁷

In December 2019 India's Parliament passed the Transgender Persons (Protection of Rights) Act. This prohibits discrimination towards transgender people in area of education, health, employment, and accommodation.

However, some local organisations criticised the legislation as erecting barriers for transgender people to be recognised. For example, it includes a requirement for transgender people to register with the government and provide evidence they have undergone gender confirmation surgery.⁶⁸

⁶⁵ BBC News, [Indian court ruling legalises gay sex in landmark ruling](#), 6 September 2018

⁶⁶ Reuters, [Indian court calls for sweeping reforms to respect LGBT rights](#), 7 June 2021

⁶⁷ ILGA World, ['State-sponsored homophobia: global legislation overview update' \(PDF\)](#), 2020, December 2020, pp 226, 327

⁶⁸ US State Department, [Country reports on human rights: India](#), 2021

7.2

Societal attitudes

Despite the legal judgements, discrimination continues to be reported against LGBT+ people. The US State Department cites local activists who reported heightened discrimination and violence against LGBT+ people in parts of India during the coronavirus pandemic. It also said:

Activists reported that transgender persons continued to face difficulty obtaining medical treatment. Some police committed crimes against LGBTI persons and used the threat of arrest to coerce victims not to report the incidents. With the aid of NGOs, several states offered education and sensitivity training to police.⁶⁹

The UK Government provides medical treatment and services for LGBT+ people in India through the Global Fund to fight AIDS, TB and Malaria.⁷⁰

Further reading

- Equaldex, [LGBT rights in India](#)
- Human Rights Watch, [Same sex relations no longer a crime in India](#), September 2018
- Human Rights Watch, [Section 377 is history but young LGBT Indians need concrete policies to protect them from bullying](#), June 2019
- CNN, [India's rape laws don't cover transgender people. They say it's putting them at risk](#), December 2020
- Home Office, [India: Sexual orientation and gender identity and expression](#) (PDF) April 2021

⁶⁹ US State Department, [Country reports on human rights: India](#), 2021

⁷⁰ PQ 246441 [[India: LGBT people](#)], 29 April 2019

8 Pakistan

8.1 Legal position

Same-sex sexual conduct is criminalised in Pakistan

Section 377 of the Penal Code (Act XLV of 1860) punishes “carnal intercourse against the order of nature” with up to life imprisonment.

Section 294 of the Penal Code criminalises “obscene acts and songs” in public, “to the annoyance of others”. This may result in imprisonment for up to three months and/or a fine. This is reportedly often deployed to target male and trans sex workers.⁷¹

Trans rights protection law, 2018

Pakistan’s Parliament [passed](#) the Transgender Persons (Protection of Rights) Act in May 2018. This Act grants the country’s transgender citizens fundamental rights. It allows people to choose their gender and to have that identity recognised on official documents, including national IDs, passports and driver’s licenses. The legislation prohibits discrimination in schools, at work, on public transport and while receiving medical care.⁷²

A 2012 Supreme Court ruling also allows transgender individuals to obtain national identification cards listing a “third gender.” Because these cards also serve as voter registration, the ruling enabled transgender individuals to participate in elections, both as candidates and voters.⁷³

Freedom of expression can be limited

Section 34 of the Prevention of Electronic Crimes Act (2016) allows the Pakistan Telecommunication Authority the power to remove or block access to content “in the interest of the glory of Islam, public order, decency, or morality”.⁷⁴

⁷¹ ILGA World, [‘State-sponsored homophobia: global legislation overview update’ \(PDF\)](#), 2020, December 2020, p134

⁷² NPR, [Pakistan passes historic transgender rights bill](#), 9 May 2018; Human Dignity Trust, [Country profile: Pakistan](#), accessed 5 July 2021.

⁷³ US Department of State, [‘2020 Country Reports on Human Rights Practices: Pakistan](#), accessed 5 July 2021.

⁷⁴ ILGA World, [‘State-sponsored homophobia: global legislation overview update’ \(PDF\)](#), 2020, December 2020, p157

Enforcement

There have been recent examples of enforcement.

In August 2020, trans man who married a cisgender woman, in what authorities viewed as a same-sex wedding, was reportedly subject to an arrest warrant.

In October 2020, two lesbian women were reportedly arrested by police after friends and family reported about the relationship and marriage plan.⁷⁵

In 2020, the authorities also blocked Grindr, a dating app for gay men, for disseminating “immoral and indecent content”.⁷⁶

Some progress has been noted on the rights of trans people. The [US State Department has noted that](#):

In 2019 the inspector general of police announced that the government would provide 0.5 percent of the office jobs in the Sindh police force to members of the transgender community. In May, Rawalpindi police launched a pilot project to protect transgender individuals. The project, called the Tahafuz Center, opened on May 12, and included the first transgender victim-support officer, also a member of the transgender community.⁷⁷

8.2

Death penalty

It is sometimes reported that same-sex sexual relations can result in the death penalty in Pakistan. The ILGA puts Pakistan in a category “countries for which there is no full legal certainty that the death penalty is the established punishment for consensual same-sex sexual acts”.⁷⁸

The confusion seems to derive from the application of Sharia law in Pakistan. In the late 1970s, provisions were introduced to bring the Pakistan Penal Code into conformity with Sharia. The Offence of Zina (Enforcement of Hudood) Ordinance from 1979 specifies penalties for various acts described as crimes against God according to the Koran and Islamic legal tradition; this includes ‘zina’ or sexual intercourse outside marriage.⁷⁹

⁷⁵ ILGA World, [‘State-sponsored homophobia: global legislation overview update’ \(PDF\)](#), 2020, December 2020, p134

⁷⁶ ILGA World, [‘State-sponsored homophobia: global legislation overview update’ \(PDF\)](#), 2020, December 2020, p157

⁷⁷ US State Department, [2020 country reports on human rights practices: Pakistan](#), 2021

⁷⁸ ILGA World, [‘State-sponsored homophobia: global legislation overview update’ \(PDF\)](#), 2020, December 2020, p38

⁷⁹ Home Office, [‘Country Policy and Information Note Pakistan: Sexual orientation and gender identity or expression’](#), July 2019.

The legal punishment for zina perpetrated by a Muslim is death, for non-Muslims the punishment is lashing. The evidentiary requirement for conviction, however, is very high, “involving four [male] eyewitnesses [or confession]”.⁸⁰ The extent to which these laws can be applied to same-sex relations isn’t clear, however. The Human Dignity Trust state that “as non-heterosexual marriages are not legally recognised in Pakistan, all same-sex sexual intercourse is necessarily outside of marriage and so captured by this provision”.⁸¹

There do not appear to have been any recent reports of these provisions being used against LGBT+ people, and no reports of the death penalty having been applied to LGBT+ people for same-sex relations in Pakistan from the last few decades.

8.3 Social attitudes

A Pew Research Survey in 2013 found that of those surveyed in Pakistan, 90% said that homosexual behaviour was morally wrong, with 1% saying it was morally acceptable.⁸²

An April 2021, an article in The Diplomat Magazine looked in detail at Pakistan’ LGBT+ community, and stated:

There is a consensus on hiding who you are from the majority of the population when in Pakistan — not only to be safe, but also to feel free when communing with their inner circles.⁸³

Human Rights Watch, in its overview of LGBT+ rights in Pakistan, details violence against the trans community despite supportive statements from national politicians and the passing of the 2018 Act:

In the early stages of municipal lockdowns during the Covid-19 pandemic, Pakistani officials and political leaders expressed [explicit support](#) for transgender communities [...]

Patterns of violent attacks against trans women in recent years have been handled with impunity for perpetrators. According to local human rights groups, at least [65 transgender women](#) have been killed in Khyber Pakhtunkhwa province since 2015. In [April 2020](#), Musa, a 15-year-old transgender boy, was gang-raped and killed in Faisalabad district, Punjab. In [July](#), unidentified gunman in Rawalpindi district, Punjab, killed Kangna, a

⁸⁰ Independent Advisory Group on Country Information (IAGCI), ‘[Country Information and Guidance. Pakistan: Sexual Orientation and Gender Identity \(2015\)](#)’, Dr Matthew J Nelson.

⁸¹ Human Dignity Trust, [country profile: Pakistan](#). Accessed 5 July 2021.

⁸² Pew Research Centre, ‘[The world’s Muslims: religion, politics and society, chapter 3: morality](#)’, 30 April 2013.

⁸³ ‘[The Flickering Edge of Hope: Pakistan’s LGBTQ+ Community Battles Prejudice and Discrimination](#)’, The Diplomat, 19 April 2021.

transgender woman. An unidentified assailant fatally shot Gul Panra, a transgender woman activist in Peshawar, in [September](#). The murder prompted widespread condemnation on social media.⁸⁴

Further reading

- [‘Pakistan Passes Historic Transgender Rights Bill’](#), NPR, 9 May 2018.
- [‘The Flickering Edge of Hope: Pakistan’s LGBTQ+ Community Battles Prejudice and Discrimination’](#), The Diplomat, 19 April 2021.
- Human Dignity Trust, [Pakistan profile](#).
Home Office, [‘Country Policy and Information Note Pakistan: Sexual orientation and gender identity or expression’](#) (PDF), July 2019.

⁸⁴ Human Rights Watch, [‘Human Rights Watch Country Profiles: Sexual Orientation and Gender Identity: Pakistan’](#), accessed 5 July 2021.

9 Seychelles

9.1 Legal position

Homosexuality is not illegal. In May 2016 the National Assembly passed an amendment to the penal code that decriminalized consensual same-sex sexual intimacy between adults.⁸⁵ The proposal was first made by former President James Michel in his February 2016 State of the Nation address.⁸⁶

However, same-sex marriage is not currently permitted by law and Article 32 of the constitution states the right of “everyone to form a family” can be restricted to prevent “marriage between persons of the same sex”.⁸⁷ In June 2015, the British High Commissioner Lindsay Skoll, conducted the same sex marriage of two British nationals, at her Residence.⁸⁸ Principal Secretary for Foreign Affairs, Ambassador Maurice Loustau-Lalanne, described the announcement as “lacking in sensitivity”.⁸⁹

9.2 UK Government statements

In 2018, the Government said it welcomed the progress in the Seychelles and said it would work with the Government and LGBT+ people to “raise concerns about LGBT rights and equality with the governments at every opportunity”.⁹⁰

Further reading

- Human Dignity Trust, [Seychelles](#)
- Human Dignity Trust, [Reform of Discriminatory Sexual Offences Laws in the Commonwealth and Other Jurisdictions: Case Study of Seychelles](#) (PDF)

⁸⁵ [Seychelles parliament passes bill](#), Seychelles News Agency, 18 May 2016

⁸⁶ [State of the Nation Address by President James Alix Michel](#), State House, Office of the President of the Republic of Seychelles, 16th February 2016

⁸⁷ Constitution of the Republic of Seychelles. [P.31, Article 32 \(PDF\)](#), accessed 24 March 2022

⁸⁸ [Same Sex Consular Marriage](#), British High Commission Victoria, UK Government, 15 June 2015

⁸⁹ [First same-sex union in Seychelles takes place at British high commissioner’s residence](#), Seychelles News Agency, 13 June 2015

⁹⁰ PQ HL4985 [[Belize and Seychelles: LGBT people](#)], 6 February 2022

10 Sri Lanka

10.1 Legal position

Same-sex relations are criminalised, and transgender people are also targeted

Same-sex relations are criminalized in Sri Lanka, and a law banning “impersonation” is used to target transgender people.⁹¹

Sections 365 and 365A of the Sri Lankan Penal Code prohibit “carnal intercourse against the order of nature” and “gross indecency between persons”. These provisions are commonly understood in Sri Lanka to criminalize same-sex relations between consenting adults, including in private spaces.⁹²

Human Rights Watch [has reported that](#) laws including a vaguely worded Vagrancy Law and a penal code provision banning “cheating by personation”, are used to target transgender and gender non-conforming people for arrest:

Penal Code Section 399: “A person is said to ‘cheat by personation’ if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is”.

Maximum penalty: Imprisonment up to 1 year or a fine, or both.⁹³

Its Government says there are protections in law

Sri Lanka has ratified core international human rights treaties that obligate the government to protect people’s rights not to experience violence, discrimination, torture, and other ill-treatment. Sri Lanka’s constitution at article 11 and its Convention Against Torture Act [recognize the absolute prohibition of torture](#).⁹⁴

Fundamental rights are also recognized by the Sri Lankan Constitution, including non-discrimination under article 12(2) which states that “No citizen

⁹¹ Human Rights Watch, [Sri Lanka: Events of 2020](#), accessed 28 May 2021.

⁹² ILGA World, [State sponsored homophobia 2020](#) (PDF), December 2020, p136

⁹³ Human Rights Watch, [Sri Lanka: Challenging “gender norms” brings abuse](#), 15 August 2016

⁹⁴ International Humanitarian Law database, [Sri Lanka](#).

shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, and place of birth or any one of such grounds”.⁹⁵

In 2014, the Sri Lankan government stated at the UN Human Rights Council that discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) people was unconstitutional and that LGBTI people were protected under the Right to Equality provisions of Sri Lanka’s Constitution, mentioned in the previous paragraph.⁹⁶

The government, through its Attorney General’s office, further stated that sections 365 and 365A of the penal code “do not target any particular group but are there to protect public morality”.⁹⁷

In 2017, the government reiterated its 2014 position and accepted recommendations from UN Human Rights Council members to end discrimination against LGBTI people. The government made a “voluntary pledge” to “[e]nsure and strengthen respect for fundamental rights of all persons, including those from the LGBTIQ community, and address concerns raised in that regard”.⁹⁸

Protections for trans people

In 2016, in response to a petition filed by a trans woman before the Sri Lankan Human Rights Commission, the Health Ministry formulated a policy on the issuance of gender recognition certificates for the trans community.

According to the Centre for Law and Policy Research (CLPR), the policy “contains clear guidelines for medical professionals and government officials on the procedures to be followed when changing gender identity on official documents”. The policy does not mandate gender reassignment surgery, and “makes it easier for trans individuals to access government welfare schemes” and so it has been “heralded as a progressive move”.

There are some concerns that the policy does not have sufficient privacy safeguards to protect the identities of trans people.⁹⁹

The guidelines aren’t as powerful as an act of Parliament, however, Chithramalee De Silva, of the Directorate of Mental Health at the Ministry of Health, says “they do have legal authority” and “any official who disobeys or

⁹⁵ UN Women, [Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, as amended to 2020](#)

⁹⁶ OutRight Action International, [Sri Lanka Government says LGBT rights are constitutionally protected](#), 20 October 2014.

⁹⁷ OutRight Action International, [Sri Lanka Government says LGBT rights are constitutionally protected](#), 20 October 2014.

⁹⁸ Human Rights Watch, [Sri Lanka: Forced Anal Exams in Homosexuality Prosecutions](#), 20 October 2020

⁹⁹ CLPR, [‘Legal gender recognition in Bangladesh and Sri Lanka’](#), 31 July 2020.

ignores the circular can be cited as having infringed or denied a citizen his or her rights, which is a punishable offense”.¹⁰⁰

Enforcement of laws

An October 2020 [report from HRW and Equal Ground](#), a Sri Lankan NGO advocating for LGBT+ rights, detailed incidents from the last several years that suggest that these provisions have been used to arrest LGBT+ individuals in Sri Lanka, and that they have been assaulted by the police:

A [police performance report](#) indicates that in 2018 police brought charges against nine men for “homosexuality,” arrested in five such raids.

Police have carried out many such arrests with violence. Among the 61 lesbian, gay, bisexual and transgender (LGBT) people interviewed for a [2016 Human Rights Watch report](#), 16 had experienced physical or sexual assault, [including rape](#), by the police.¹⁰¹

The HRW and Equal Ground report also said there was evidence of police conducting forced physical examinations on LGBT+ people. These included anal exams and forced HIV tests.¹⁰²

10.2

UK Government statements

Sri Lanka is one of the UK’s human rights priority countries. The Government said during 2021 the overall human rights situation in the country deteriorated. It said it will continue to press for progress on human rights, gender equality and protections for minorities and vulnerable groups.¹⁰³

Further reading

- UK Visas and Immigration, [Sexual orientation and gender identity, Sri Lanka](#), November 2021, updated 7 December 2021
- Human Dignity Trust, [Sri Lanka](#)
- Human Rights Watch, [Discrimination on grounds of gender identity and sexual orientation in Sri Lanka](#), August 2016

¹⁰⁰ ‘[For ‘Mind and Soul’: Sri Lanka Eases Way To Legal Recognition of Transgender People](#)’, Global Press Journal, 18 December 2016

¹⁰¹ Human Rights Watch, [Sri Lanka: forced anal exams in homosexuality prosecutions](#), 20 October 2020

¹⁰² Human Rights Watch, [Sri Lanka: forced anal exams in homosexuality prosecutions](#), 20 October 2020

¹⁰³ FCDO, [Human rights and democracy report](#), 8 July 2021

11 Turkmenistan

11.1 Legal position

Same-sex relations between men are illegal

Under Article 135 of the [Criminal Code \(1997\)](#) (PDF) consensual same-sex sexual relations between men are illegal and carry a two-year prison sentence. In 2019 the Code was reportedly amended, and that prison sentence increased to five years.¹⁰⁴ Repeat offences are punishable by five to ten years in prison. The law does not mention same-sex sexual relations between women.

Enforcement of the law is selective

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association, enforcement of the law is, however, selective:

While there are reports of arrests, individuals are rarely prosecuted under this law. “Homosexuality” is widely considered a mental disorder in the country, including by law enforcement, medical institutions, and judicial officials. As such, punishment for same-sex sexual acts between men, or perceived ‘homosexual’ behaviour, can also include placement in psychiatric institutions to be ‘cured’ of their sexual preferences.¹⁰⁵

No constitutional protections

There are no constitutional protections against discrimination on the basis of sexuality and same sex marriage or civil unions are not recognised.¹⁰⁶

Few NGOs operate

A 2016 [Chatham House report \(PDF\)](#) described Turkmenistan as having “established a reputation as one of the twenty-first century’s most repressive regimes”.¹⁰⁷

Article 7 of the Public Associations Act (2014) also prohibits the establishment and operation of organisations “which may lead to propagandize national or religious enmity, encroach on citizens’ health or morality or engage in extremist activities”. Non-governmental organisations, across society

¹⁰⁴ ILGA, [State-sponsored Homophobia Report](#), 2020, p137

¹⁰⁵ ILGA, [State-sponsored Homophobia Report](#), 2020, p137

¹⁰⁶ ILGA, [State-sponsored Homophobia Report](#), 2020, p328

¹⁰⁷ Chatham House, [Turkmenistan: Power, politics and petro-authoritarianism](#) (PDF), 2016, p1

generally, but in particular those that work on equality and human rights issues, are therefore scarce.¹⁰⁸

11.2

Attitudes within society

LGBT+ issues are generally taboo.

In October 2019 the disappearance of a gay doctor after being summoned to a police station in Ashgabat was widely reported. The doctor had previously shared, with a local media station, his experience of entrapment by an undercover police officer and alleged he had been tortured. The doctor reappeared after almost a month and retracted all his previous statements.¹⁰⁹

In March 2020 a well-known actor in Turkmenistan was arrested, along with his partner and a dozen other men on suspicion of homosexuality. After allegedly signing a confession, in May 2020 the man was subsequently sentenced to two years in prison. Several of the other men were reportedly released after bribing the police or agreeing to testify against the other men.¹¹⁰

In April 2020, it was also reported that a 23-year-old man had fled Turkmenistan and sought asylum in Europe after the police arrested him and assaulted him for being gay and HIV positive.¹¹¹

11.3

UK Government statements

Turkmenistan is a human rights priority country for the Foreign, Commonwealth and Development Office. In its [2020 human rights report for 2019](#), the FCDO noted the lack of LGBT+ rights in Turkmenistan but provided no further details:

The human rights situation in Turkmenistan in 2019 remained a cause for concern. The principal issues were continuing allegations of torture and poor prison conditions, restrictions on freedom of expression and on freedom of religion or belief, gender discrimination, and restrictions on LGBT rights. There was little evidence of progress on the range of Universal Periodic Review (UPR) recommendations that Turkmenistan

¹⁰⁸ ILGA, [State-sponsored Homophobia Report](#), 2020, p178

¹⁰⁹ [“Mystery continues to surround Turkmen doctor who came out as gay.”](#) Radio Free Europe, 2 December 2019

¹¹⁰ [“One of Turkmenistan’s top actors has cruelly been jailed for two years for the simple crime of being gay”](#), Pink News, 28 May 2020

¹¹¹ [Gay man flees Turkmenistan after being horrifically beaten by police, all for the simple crime of having HIV](#), Pink News, 14 April 2020

accepted in 2018, although Turkmenistan worked with the UN on a partnership agreement, which includes a rule of law and human rights element. Most human rights defenders still worked outside the country.

11.4

UN periodic review of human rights

In 2018, the UN Human Rights Council conducted the third cycle of its [periodic review of human rights in Turkmenistan](#).¹¹²

Among its [recommendations \(opens word document\)](#), eight related to the rights of LGBT+ individuals. Specifically, those recommendations called on Turkmenistan to decriminalise consensual same-sex sexual relations, and implement anti-discrimination legislation, including discrimination on the grounds of sexual orientation and gender identity.¹¹³

The Turkmenistan Government [rejected those recommendations \(PDF\)](#).¹¹⁴ The next UPR is due in 2023.

Further reading

- [“Life of LGBT persons in Turkmenistan”](#), Kyrgyz Indigo, 2019
- [“LGBT in Turkmenistan: go to jail or live a lie”](#), Radio Free Europe, 22 October 2019

¹¹² UN Human Rights Council, [Universal periodic review: Turkmenistan](#), 7 May 2018

¹¹³ UN Human Rights Council, [Turkmenistan: Thematic list of recommendations](#), 2018

¹¹⁴ UN Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21](#) (PDF), May 2018

12

Uzbekistan

12.1 Legal position

LGBT+ people have no legal rights in Uzbekistan and discrimination is widespread.

Criminalises same-sex relations between men

Uzbekistan criminalises consensual same-sex sexual relations between men under [Article 120 of its Criminal Code](#) (PDF). This carries with it a three-year prison sentence. The law does not mention same-sex sexual relations between women.¹¹⁵

No constitutional protections

There are no constitutional protections against discrimination on the basis of sexual orientation and same sex marriage or civil unions are not recognised.¹¹⁶

Few organisations working on LGBT+ rights

There are few organisations in Uzbekistan working to promote equality and LGBT+ rights.

In Uzbek law (Article 3, Law on Public Associations), the formation of an association “whose activity is directed towards the destruction of society’s ethical foundations or general humanistic values” is prohibited. The same article also states that “the formation and activity of a public association that infringes upon the health and morality of the population and the rights and legally guaranteed interests of citizens will be prosecuted”.¹¹⁷

It has also been reported that non-LGBT+ individuals are often accused of homosexuality as a punishment for protesting or demanding protection of their rights. The [NGO Joint Statement of December 2020](#) also revealed:

The NGOs jointly issuing this statement are aware of several cases in recent years when police forced individuals to hand over large sums of money or property or to “confess” to serious crimes including “terrorism”

¹¹⁵ [Criminal Code, Article 120](#) (PDF), accessed 24 March 2022

¹¹⁶ US State Department, [2020 country reports on human rights practices: Uzbekistan](#), March 2021

¹¹⁷ [Law of the Republic of Uzbekistan on public associations in the republic of Uzbekistan](#) (PDF), Article 3

or “attempting to overthrow the constitutional order”, to avoid being charged with Article 120.¹¹⁸

12.2 Attitudes with society

Homophobia is widespread. In early June 2021 the head of Uzbekistan’s National Revival party suggested that the LGBT+ community should be stripped of their citizenship and deported as “a way of ending the national conversation on LGBT issues”.¹¹⁹

The State-owned media widely uses and disseminates hate speech and homophobic groups on social media are particularly active. In 2020 Amnesty International observed that “programmes on national television stigmatized LGBTI people and declared them a “dangerous foreign influence”.¹²⁰

12.3 Treatment by police

The US State Department’s latest assessment of human rights in Uzbekistan made the following comments about LGBT+ rights and the police:

LGBTI activists report continued harassment from police, which are rumored to use LGBTI persons to entrap others in blackmail schemes. On November 24, media reported that authorities arrested an assistant to the Supreme Court Chair on charges of homosexual relations. According to reports, the assistant had been in a long-term relationship with a partner who extorted \$17,000 from him to keep the relationship secret. When the assistant refused to keep paying, the partner leaked videos he had filmed of the two having sex.¹²¹

12.4 Review of the Criminal Code

Uzbekistan is currently drafting a new Criminal Code. Several countries, including the UK, human rights organisations and [the UN \(opens word](#)

¹¹⁸ Freedom House, [Uzbekistan: Stop punishing homosexuality and respect the human rights of all](#), 10 December 2020, accessed 24 March 2022

¹¹⁹ [“Uzbekistan: top lawmaker calls for deporting the LGBT community en masse”](#), Eurasianet, 7 June 2021

¹²⁰ Amnesty International, [Uzbekistan 2020](#)

¹²¹ US State Department, [2020 country reports on human rights practices: Uzbekistan](#), March 2021

[document](#)), have called on the Uzbek government to use this opportunity to repeal Article 120 and decriminalise same-sex sexual relations.¹²²

For more, see NGO Joint Statement, [Uzbekistan: stop punishing homosexuality and respect the human rights of all \(PDF\)](#), December 2020

In a draft of the revised Code published for consultation in February 2021, little was considered to have changed. Article 120 is retained under a separate article (Article 154) and has reportedly been reclassified as a [“crime against family, morality and children”](#).¹²³

In a March 2020 National Report to the UN Human Rights Committee, the Government also stated:

The proposal to decriminalize same-sex relations by repealing article 120 of the Criminal Code had met with strong public opposition, and not only from Muslims. Given the specific religious and cultural context in Uzbekistan, the issue needed to be thoroughly discussed by civil society before any decision was taken.¹²⁴

12.5 UK Government statements

Uzbekistan is a human rights priority country of concern for the FCDO. In its [2020 human rights report covering 2019 \(PDF\)](#) it noted that while there had been some “positive steps to improve the human rights situation”, concerns remained over:

restrictions on civil society, constraints on the independence of the judiciary, discrimination against LGBT people, and increasing control over religious activity [...]

Same sex relationships remained illegal, and two individuals were arrested early in 2019 with few details given about their cases. Uzbekistan rejected the relevant recommendations on LGBT rights contained in the UPR in May 2018, and LGBT people continued to face significant discrimination and ill-treatment during 2019.¹²⁵

In answer to a Parliamentary Question in November 2020 the Foreign, Commonwealth and Development Office said that:

¹²² UN Human Rights Council, [Concluding observations on the fifth periodic report of Uzbekistan](#) (opens word document), May 2020, para 11

¹²³ Human Rights Watch, [Uzbekistan: Draft criminal code offers little meaningful reform](#), 10 March 2021

¹²⁴ UN Human Rights Committee, [Consideration of reports submitted by States Parties under article 40 of the Covenant, CCPR/C/SR.3690](#), March 2020

¹²⁵ Foreign and Commonwealth Office, [Human rights and democracy](#) (PDF), July 2020, p61

FCDO senior officials, including the UK Ambassador in Tashkent, continue to raise LGBT+ rights with the Uzbek authorities, including in the context of the current consultation on amending Article 120 of the Uzbek Criminal Code, which criminalises 'voluntary sexual intercourse between two male individuals'. We have made clear the importance of these consultations being transparent as well as the need to protect the rights of the LGBT+ community in Uzbekistan.¹²⁶

Further reading

- [“Submission to the Committee on economic, social and cultural rights in Uzbekistan,”](#) Human Rights Watch, 28 January 2022
- [“Uzbekistan: top lawmaker calls for deporting the LGBT community en masse,”](#) Eurasianet, 7 June 2021
- [“Anti LGBTQ laws in Uzbekistan fuel hostility and violence,”](#) The Guardian, 2 April 2021
- [“In Uzbekistan, homosexuality is illegal. Here’s what LGBT life is like there,”](#) Open Democracy, February 2020
- [“Uzbekistan: LGBT rights neglected,”](#) Institute for War and Peace Reporting, February 2020

¹²⁶ PQ 113182 [[Uzbekistan: LGBT people](#)] 13 November 2020

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