# Rights of Lesbian, Bisexual and Transgender Women in Tajikistan

Equality, Non-Discrimination and the Rights of Women Living with HIV

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Submitted by

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This report is submitted by COC Nederland on behalf of the authors; a Tajikistani Lesbian, Bisexual, and Transgender organization. This organisation is unable to submit this report in their own name due to severe security concerns.

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## Introduction

1. This submission assesses the human rights situation of lesbian, bisexual and transgender (LBT) women and women living with HIV in Tajikistan, with a focus on the implementation of recommendations from the third cycle of the Universal Periodic Review (UPR).

2. During the third UPR cycle, Tajikistan received 12 recommendations specifically related to LGBTI issues. Of these, 11 were noted and were not incorporated into state programmes for the implementation of UPR recommendations, including the National Action Plan. As a result, progress in addressing discrimination and violence against LBT women remains extremely limited.

3. While the adoption of the Law "On Equality and Elimination of All Forms of Discrimination" in 2022 represents a positive step, it does not explicitly include sexual orientation and gender identity (SOGI) as protected grounds. LBT women continue to face intersecting forms of discrimination and limited access to protection from gender-based violence.

4. The Decision of 26 December 2023 of the Plenum of the Supreme Court «On judicial practice in criminal cases related to infection with the HIV[1]», aimed at ensuring the consistent application of substantive and criminal procedural law in HIV-related cases, constitutes a positive step and is welcomed. At the same time, available information suggests that, in practice, concerns remain regarding the prosecution of people living with HIV, instances of forced HIV testing of LGBTQ+ persons, and the disclosure of HIV status. These issues are reflected in cases and complaints reported by LGBTQ+ individuals to human rights organizations. In particular, there appears to be no consistent approach in practice regarding the consideration of partner consent in the application of this Plenum decision.

5. Transgender persons face significant barriers in accessing legal gender recognition due to the absence of clear procedures, leading to inconsistent practices and restrictions in accessing basic rights. Reports also indicate cases of violence, arbitrary detention, and ill-treatment by law enforcement against vulnerable groups.

6. Women living with HIV continue to experience stigma and discrimination. Article 125 of the Criminal Code, which criminalizes HIV transmission and exposure, further undermines access to testing, treatment and support services.

7. Overall, despite some legislative developments, the lack of implementation of UPR recommendations, absence of inclusive legal protections, and persistent stigma continue to undermine the rights of LBT women and women living with HIV in

[1] See the text of the Plenum in Russian:
https://sud.tj/upload/documents/plenum/2.UD.RU/39.%20%D0%9F%D0%BE%D1%81%D1%82%D0%B0%D0%BD%D0%BE%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5%20%D0%9F%D0%BB%D0%B5%D0%BD%D1%83%D0%BC%D0%B0%20%D0%92%D0%B5%D1%80%D1%85%D0%BE%D0%B2%D0%BD%D0%BE%D0%B3%D0%BE%20%D0%A1%D1%83%D0%B4%D0%B0%20%D0%BE%D1%82%2023.12.2023%20%E2%84%962.pdf

Tajikistan.

## Legal and social context and follow-up to previous UPR recommendations

8. Since the third cycle of the Universal Periodic Review, Tajikistan has taken limited steps to address discrimination and gender inequality. The adoption of the Law "On Equality and Elimination of All Forms of Discrimination" in 2022 represents a formal advancement. However, key recommendations from the third UPR cycle concerning the explicit prohibition of discrimination based on sexual orientation and gender identity (SOGI) remain not implemented.

9. During the third UPR cycle, Tajikistan received 12 LGBTI specific recommendations related to strengthening non-discrimination frameworks(123.94; 123.87; 123.77; 123.91; 123.92; 123.66; 123.88; 123.101; 123.98; 123.95),), preventing ill-treatment (123.100;), gender recognition (121.51; 121.52) hate speech (123.125).

10. Despite the adoption of the Plenum decision of the Supreme Court «On judicial practice in criminal cases related to infection with the HIV», the practice of prosecuting individuals under Article 125 of the Criminal Code of the Republic of Tajikistan remains widespread. In Sughd region alone, in 2025, 77 criminal cases were initiated against 37 individuals for the intentional transmission of HIV under Article 125 of the Criminal Code, demonstrating the continued widespread use of this provision in practice[2].

## Legal framework

11. The Constitution of the Republic of Tajikistan establishes a general framework for equality and non-discrimination. Article 17 guarantees that all individuals are equal before the law and the courts and prohibits discrimination on grounds such as nationality, race, sex, language, religion, political beliefs, education, and social or property status. Article 18 further affirms the equality of men and women and obliges the State to ensure equal rights and freedoms in political, economic, social, cultural and family life.

12. In addition, Article 19 provides that human rights and freedoms are recognized, observed and protected by the State, and may only be restricted on the basis of law. Article 20 guarantees judicial protection of rights and freedoms and ensures equal access to such protection for all individuals.

13. While the Constitution and national legislation prohibit discrimination on several grounds, they do not explicitly include sexual orientation and gender identity (SOGI). In practice, this omission results in the lack of legal recognition and protection of LBT women, limiting their access to justice, protection from violence, and essential services.

[2] Reported by a representative of the Sughd Regional Prosecutor's Office at a press conference https://t.me/asiaplus/95249

14. At the international level, Tajikistan has ratified key human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention against Torture (CAT). While these instruments establish binding obligations to ensure equality and non-discrimination, their implementation remains limited in relation to LBT women.

15. The Law "On Equality and Elimination of All Forms of Discrimination" (2022) designates the Human Rights Ombudsman as the body responsible for its implementation. However, there is no publicly available information indicating whether the Ombudsman has investigated cases related to LGBTQ+ persons, including LBT women, or whether complaints concerning violations of their rights and equality have been submitted. This raises concerns regarding the accessibility and effectiveness of existing protection mechanisms for these groups.

## Gender-based discrimination and violence affecting LBT women

16. Recommendations (123.50; 123,64; 123.70; 123.71; 123.74; 123.79; 123.98; 123.101; 123.114; 123.116; 123.117; 123.118; 123.215; )insert numbers related to combating gender-based violence have been partially implemented, as existing legal and protection frameworks do not address the specific vulnerabilities of LBT women.

17. While women in Tajikistan continue to experience high levels of gender-based violence, lesbian and bisexual women face compounded risks due to stigma related to sexual orientation. Reports indicate that LGBTQ+ individuals are subjected to discrimination, violence and harassment, including by law enforcement, as well as abuse within families and communities.[3]. Present evidence

## Legal gender recognition and discrimination against transgender women

18. Recommendations (123.87; 123.88; 123.91; 123.92)insert numbers related to legal identity, privacy and access to services remain not implemented with regard to transgender persons.

19. Article 74 of Tajikistan's Law "On State Registration of Civil Status Acts" allows individuals to change their gender marker and their first and last name upon submission of an official medical report confirming a gender transition. In theory, this provides a basis for legal gender recognition. In practice, however, access to this procedure is conditioned on a mandatory medical diagnosis (transsexualism under ICD-10), and the overall process is not standardized. As a result, civil registry offices often refuse applications or refer individuals to courts, creating legal uncertainty.

[3] https://www.hrw.org/world-report/2024/country-chapters/tajikistan
https://iphronline.org/wp-content/uploads/2024/02/tajikistan-lgbt-report-2024-eng.pdf

20. Transgender people also face discriminatory treatment and degrading procedures in medical institutions, compounded by the absence of clear rules and regulations governing access to gender-affirming healthcare.

21. Due to the lack of clear and accessible procedures for legal gender recognition, transgender individuals are often required to use identity documents that do not correspond to their gender identity or appearance. In practice, this exposes them to discrimination, violence, and other human rights violations, and significantly restricts their ability to access education, obtain formal employment, move freely within the country, travel abroad and re-enter the country, rent housing, start a business or establish organizations, register their place of residence, and seek medical care without stigma, discrimination, or abuse.

**Violence, harassment and abuse by law enforcement**

22. Recommendations (123.22; 123.24, 123.25; 123.26; 123.27; 123.28; 123.29; 123.30; 123.31; 123.33; 123.37; 123.119; 123.122;)insert numbers concerning the prevention of torture, arbitrary detention and ill-treatment have not been effectively implemented, particularly in relation to marginalized groups, including LGBTQ+ persons.

23. Civil society reports[4] document ongoing patterns of abuse, including arbitrary detention, coercive interrogations and degrading treatment.

**Women living with HIV: stigma, discrimination and criminalization**

24. Recommendations (123.93; 123.94; 123;188)insert numbers related to access to healthcare and the reduction of stigma against people living with HIV have been partially implemented.

25. Article 125 of the Criminal Code continues to criminalize HIV transmission and exposure, contributing to stigma and discouraging access to services. Are people being jailed/arrested for this? what happens, what is the impact, what are the numbers.

**Limited access to justice and protection mechanisms**

26. Recommendations related to access to justice and strengthening national human rights institutions remain not effectively implemented for LGBTQ+ persons. In what way, present data or cases, what is impact. See Para 3.

[4] https://iphronline.org/wp-content/uploads/2024/02/tajikistan-lgbt-report-2024-eng.pdf
https://iphronline.org/articles/lgbt-people-tajikistan-beaten-raped-exploited-police/
https://www.ilga-europe.org/files/uploads/2024/02/2024_tajikistan.pdf
https://www.hrw.org/world-report/2024/country-chapters/tajikistan
https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Tajikistan.pdf

## Conclusion

27. Since the previous UPR cycle, limited progress has been made in addressing discrimination and violence affecting LBT women and women living with HIV in Tajikistan. What progress has been made, what is lacking, what is the effect, what are the numbers.

28. Since the third UPR cycle, only limited progress has been made in addressing discrimination and violence affecting LBT women and women living with HIV in Tajikistan. Positive steps include the adoption of the Law on Equality and Elimination of All Forms of Discrimination in 2022 and the adoption of the 26 December 2023 Plenum decision of the Supreme Court aimed at ensuring more consistent application of criminal law in HIV-related cases. In addition, the State has reported awareness-raising and training measures on gender and domestic violence, and official information presented to CEDAW indicates that 800 women victims of domestic violence were identified between 2019 and 2023, while 516 related criminal cases were considered in mobile court hearings[5].

29. At the same time, major gaps remain**.** Sexual orientation and gender identity are still not explicitly protected grounds under the anti-discrimination framework, the 11 LGBTI-specific recommendations that were merely noted in the third UPR cycle were not incorporated into state implementation programmes, and available information continues to point to abuse, stigma, and weak access to remedies for LBT persons. For transgender people in particular, the lack of clear legal gender recognition procedures continues to expose them to discrimination, violence, and exclusion from employment and other basic services.

30. For women living with HIV, the impact of these gaps remains severe. UNAIDS reports that nearly 97% of women living with HIV in Tajikistan conceal their status, even from family members, and 64% report discrimination, including in health-care settings. UNAIDS also notes some health-related progress: HIV-related mortality has halved since 2020, and vertical transmission fell to 0.8% in 2024, with only one recorded case that year. However, discriminatory laws and practices continue to undermine these gains, including the continued use in practice of Article 125 of the Criminal Code[6].

## Recommendations

a) Establish independent and effective mechanisms to investigate abuses by law enforcement, including arbitrary detention, coercive interrogations, forced HIV testing, extortion, disclosure of confidential personal data (including HIV status and SOGI), and acts of violence, ill-treatment and harassment against LGBTQ+ persons**.**

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[5] https://www.ohchr.org/en/meeting-summaries/2024/02/experts-committee-elimination-discrimination-against-women-commend-0

[6]https://www.unaids.org/en/resources/presscentre/featurestories/2025/december/20251208_tajikistan

b) Prohibit forced medical procedures, including non-consensual HIV testing, compulsory medical examinations, and any medical interventions without the free, prior and informed consent of the individual, particularly in relation to LGBTQ+ persons, and ensure accountability for violations.

c) Review the application of Article 125 of the Criminal Code to ensure its consistency with international standards and public health objectives, including by clarifying key elements such as intent, consent and actual risk of transmission.

d) Develop and implement a transparent, accessible and non-discriminatory administrative process for legal gender recognition, grounded in the principle of self-identification and consistent with international human rights standards.

e) Ensure access for LBQ-women to domestic violence protection mechanisms.

f) Strengthen the Human Rights Ombudsman. (on protection, monitoring of discrimination of LGBTQ+ people and people living with HIV)

g) Introduce mandatory training for officials on what exactly.

h) Strengthen capacity-building for relevant officials, including law enforcement, judiciary, healthcare personnel and the Office of the Human Rights Ombudsman, through regular training on human rights, non-discrimination, gender sensitivity, sexual orientation and gender identity (SOGI), HIV-related rights, and ethical standards in relation to vulnerable groups, including LGBTQ+ persons and people living with HIV.

i) Revise the Law on Equality and Elimination of All Forms of Discrimination to ensure that sexual orientation and gender identity are explicitly recognized as prohibited grounds of discrimination.