ECOM

ECOM
TT (Trans Theme)
Feministan

Joint Submission to the Human Rights Council
At the 53rd session of the
Universal Periodic Review
(Fourth Cycle, November 2026)

Tajikistan

Table of Contents

About submitting organizations: 2
I Introduction 3
II UPR 1-3 Cycles 4
Recommendations and Implementation Assessment 4
III The International Obligations 7
IV Discrimination and Violence against LGBTI people 7
1. Anti-Discrimination Legislation 7
2. Legal Gender Recognition 8
3. Right To Health and Criminalization of HIV 9
4. The use of criminal law to marginalize LGBTI people: police violence 9
V Recommendations 10

About submitting organizations:

Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM), an international association with a mission to support the development of national LGBT communities and their activism, to promote human rights, health, and social well-being for people of gender and sexual diversity in Eastern Europe and Central Asia (EECA). The network currently has 95 members from 19 countries. ECOM was founded in 2011 and registered as an Association in Estonia in 2013.
Website: https://ecom.ngo
Contact: contact@ecom.ngo, elvira@ecom.ngo
Address: Tööstuse tn 48, Tallinn, 10416, Estonia

TT (Trans Theme), a group of transgender activists working to improve the quality of life for transgender people in Central Asia.

Feministan, a feminist collective. Our mission is to create a safe, inclusive, intersectional space for women and non-binary persons in Central Asia.
Contacts: Feministan@proton.me

I Introduction

1. This report has been jointly prepared and submitted by LGBTI-led organizations working to protect and promote the rights of LGBTI individuals in Tajikistan. The submission addresses four interrelated issues: (a) access to legal gender recognition, (b) the right to health and criminalization of HIV, (c) the use of Criminal Law to marginalize LGBTI people and Police violence, and (d) the effectiveness of protection against discrimination.

2. The submission examines developments since the third cycle of the Universal Periodic Review (UPR) in 2021, including the extent to which Tajikistan has implemented relevant recommendations related to sexual orientation, gender identity (SOGI), and HIV.

3. The submission is based on direct inputs from LGBTI-led and allied organizations in Tajikistan. It includes documentation of human rights violations based on SOGI. For security reasons, some organizational contributors and all individual testimonies have been anonymized.

4. The submission also draws on publicly available materials and official documents, including reports from civil society organizations, as well as the observations and recommendations from UN Treaty Bodies, Special Procedures, and regional human rights institutions.

5. Submitting organizations recognize the important steps Tajikistan has taken over the reporting period, including:

    - Adoption of a decision on 26 December 2023 of the Plenum of the Supreme Court
    - aimed at ensuring the uniform application of substantive and criminal procedural law related to HIV cases[1].
    - Adoption of an anti-discrimination legislation that prohibits discrimination[2]

6. Although an anti-discrimination law does not directly prohibit discrimination based on SOGI, the list of protected grounds is open-ended, meaning that, in theory, LGBTI people are also protected by this law.

7. At the same time, Tajikistan failed to adopt hate crime and hate speech legislation, transgender people continue facing barriers and limited access to legal gender recognition, and law enforcement agencies use alternative statutes to prosecute LGBTI people.

[1] European AIDS Treatment Group, "First step towards decriminalisation of HIV/AIDS in the Republic of Tajikistan!", January 2024. URL: https://www.eatg.org/hiv-news/first-step-towards-decriminalisation-of-hiv-aids-in-the-republic-of-tajikistan/

[2] ECOM, "Anti-discrimination Legislation Adopted in Tajikistan", July 2022. URL: https://ecom.ngo/news/anti-discrimination-legislation-tajikistan/

ECOM

II UPR 1-3 Cycles

8. Recommendations and Implementation Assessment[3]

#	Recommendation	Recommending State	UPR Ref.	Government Position	Implementation Progress Summary
Anti-Discrimination Measures					
1	Adopt comprehensive anti-discrimination legislation to protect the rights of vulnerable groups, irrespective of their gender identity, sexual orientation, HIV status, disability or other characteristics	Canada	123.94	Supported	Over three UPR cycles, Tajikistan received 12 SOGI-specific recommendations, of which it supported only 123.94, made by Canada. In 2020, a working group was established to draft the country's first anti-discrimination law that would include sexual orientation and gender identity as protected grounds. By the time the Equality law was adopted in July 2022, these provisions had been removed[4]. Not sexual orientation, gender identity, nor HIV status is included today in the law, meaning that a recommendation from Canada has been partially implemented by the state. To implement it fully, Tajikistan needs to expand the list of protected grounds.
2	Adopt a comprehensive legislative framework to prohibit all forms of discrimination and repeal policies or provisions that promote stigmatization or segregation, especially against ethnic and religious minorities and against lesbian, gay, bisexual, transgender and intersex persons	Mexico	123.87	Noted	
3	Adopt comprehensive anti-discrimination legislation, which adequately and effectively protects LGBTI+ persons from discrimination and violence	Ireland	123.77	Noted	

[3] UPR info database, URL: https://upr-info-database.uwazi.io/

[4] Annual Review 2025: Tajikistan / Ilga Europe – February 2025. – URL: https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Tajikistan.pdf

4	Adopt comprehensive anti-discrimination legislation to end discrimination on the basis on gender identity and sexual orientation, and end the practice of maintaining lists of lesbian, gay, bisexual and transgender persons	United Kingdom of Great Britain and Northern Ireland	123.91	Noted	
5	Provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, both in law and in practice, and conduct awareness-raising campaigns to combat the stigma affecting lesbian, gay, bisexual, transgender, queer and intersex persons	Argentina	123.92	Noted	
6	Continue efforts to ensure a robust legal framework that is respectful of the rights of people with different sexual orientations and gender identities	Costa Rica	123.66	Noted	
7	Cease discrimination against lesbian, gay, bisexual, transgender and intersex persons based on their sexual orientation or gender identity and actively work towards the eradication of societal homophobia and transphobia	Kingdom of the Netherlands	123.88	Noted	The Tajik authorities ignore the systemic discrimination faced by LGBT people. No proactive measures to reduce stigma and discrimination were taken over the reporting period. Moreover, in its replies to the

8	Take concrete measures to combat all forms of discrimination and violence, including domestic violence, based on gender, sexual orientation, and gender identity	Italy	123.101	Noted	Committee against torture, Tajikistan stated that there are no such registered cases of violence and dicrimination based on SOGI (CAT/C/TJK/RQ/4, paragraph 183) Unfortunately, Tajikistan lacks legislation on hate crimes and hate speech that would include SOGI as a protected ground. In law enforcement practice, such cases are most often classified as assault, threats, or hooliganism, without acknowledging their discriminatory nature or recording relevant statistics.
9	Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity	Fiji	123.98	Noted	
10	Take measures to eliminate discrimination and abuse based on people's sexual orientation and gender identity	Chile	123.95	Noted	
Police Violence					
11	Devise and implement procedures to ensure protection against reprisals for LGBTI+ persons who lodge complaints about extortion and physical abuse by law enforcement officials and non-State actors	Iceland	123.100	Noted	This recommendation was not implemented. At the same time, law enforcement officials continue to be the biggest threat to LGBTI people in Tajikistan. 66% of all registered cases of human rights violations against LGBTI individuals are conducted by police officers[5].
Hate Speech					
12	Hold accountable officials, public figures and authors of media and online publications calling for violence and hate	Iceland	123.125	Noted	The failure to support and implement this recommendation also demonstrates a lack of

[5] ECOM, Between Law and Reality: Report on Human Rights Violations against LGBT People in Eastern Europe and Central Asia in 2025, URL: https://ecom.ngo/en/library/lgbt-rights-violations-report-eeca-2025/

	speech against LGBTI+ persons				political will to protect LGBTI citizens from hate crimes, hate speech, and human rights violations.

III The International Obligations

9. Article 2(2) of the International Covenant on Civil and Political Rights (ICCPR) requires the enjoyment of "all rights" without discrimination based on race, sex, occupation, language, religion, opinion, national or social origin, property, birth or other status, including disability, etc.

10. Commentaries on the Covenant emphasize that the term "other status" includes sexual orientation and gender identity (SOGI). However, there is no mention of SOGI in any legislation of Tajikistan. Moreover, Tajikistan fails to integrate SOGI-specific recommendations in its Human Rights Action plans, raised by UN treaty bodies and during previous UPR cycles.

11. Tajikistan's attempts to legally integrate international human rights obligations have a significant gap between the formal declaration of rights and their actual implementation.

12. For example, the Action Plan 2023-2025 of the National Strategy of the Republic of Tajikistan for the Protection of Human Rights for the period up to 2038 is limited to formulations such as "consider the issue," "study of the issue of making changes and additions," and "further improvement" without quantitative and qualitative indicators.

IV Discrimination and Violence against LGBTI people

1. Anti-Discrimination Legislation

13. Tajikistan has received numerous recommendations to adopt a comprehensive anti-discrimination law, not only within the UPR but also within other UN mechanisms. This led to the formation of a working group in 2020 that drafted the law, and then the Equality law itself, which was passed in 2022.

14. Although the Equality law does not list SOGI, the set of grounds protected from discrimination is open-ended. The law covers definitions of direct and indirect discrimination, harassment, workplace persecution, and segregation. It also outlines the competencies of state bodies and local self-government bodies regarding the promotion of equality in the country.

15. The law vests enforcement in the Human Rights Commissioner of Tajikistan (Ombudsperson) and their office, making it the primary authorized body for receiving complaints, monitoring, and evaluating anti-discrimination legislation.

16. Despite the mechanisms adopted four years ago, there are no known cases of LGBTI individuals submitting complaints to the Ombudsperson. This may indicate serious barriers in access to justice, driven by stigma, lack of trust, and limited legal protection.

17. The Human Rights Commissioner's annual reports do not systematically address issues of sexual orientation and gender identity, nor structural discrimination against people living with HIV. Thus, the anti-discrimination mechanism remains formal and does not provide effective protection for vulnerable groups.

18. ECOM annually records cases of discrimination against LGBTI people in Tajikistan. Among other things, LGBTI people face discrimination in the workplace, unlawful dismissals, illegal evictions, denial of medical care, and disclosure of personal data and sexual orientation, gender, and other information about themselves by police and medical professionals.

19. In 2024, two law enforcement officers came to the store where the victim worked. They demanded that he go with them to the police station and told him they knew he was gay. They reported the victim's sexual orientation to the store manager, who was fired a few days later[6].

2. Legal Gender Recognition

20. Article 74 of Tajikistan's Law "On State Registration of Civil Status Acts" allows people to change their gender marker and their first and last name if they provide an official medical report confirming a gender change. In theory, this makes legal gender recognition possible. In practice, there is a requirement for a mandatory medical diagnosis (transsexualism ICD-10[7]), and the entire transition procedure is not standardized. As a result, civil registry offices often refuse applications or send people to court, creating legal uncertainty[8].

21. Transgender people face discriminatory treatment and degrading procedures in medical institutions. The current model contradicts modern World Health Organization (WHO) standards (ICD-11[9]), which exclude 'transsexualism' from the list of mental disorders, and is inconsistent with the principles of bodily autonomy and non-discrimination.

22. Case reports of ECOM from 2023-2025 demonstrate:

- The lack of a transparent administrative procedure for changing gender markers.

[6] ECOM, National Report on Violations of the Rights of LGBT People in Tajikistan, 2024. URL: https://ecom.ngo/en/library/national-report-tajikistan-2024/

[7] International Statistical Classification of Diseases and Related Health Problems 10th Revision

[8] ECOM, Analysis of national legislation of Tajikistan related to SOGI and HIV, 2025-2026. URL: https://ecom.ngo/en/library/

[9] International Statistical Classification of Diseases 11th Revision. URL: https://icd.who.int/en/

- The mandatory requirement for a psychiatric diagnosis is extensive medical and forensic examinations.
- The lack of clear rules and regulations governing the provision of medical care to transgender people. In practice, transgender people face discriminatory treatment and degrading procedures in medical institutions.

23. Because trans people lack clear procedures for changing their gender marker, they are forced to present ID that does not match their appearance. This exposes them to discrimination, hate crimes, and violations of their rights.

24. In 2025, ECOM documented a case of a trans woman who could not change her gender marker. At the airport, she was subjected to humiliating treatment from border officials of Tajikistan because her passport gender did not match her appearance. She was interrogated and ridiculed[10].

3. Right To Health and Criminalization of HIV

25. Tajikistan received recommendations to decriminalize HIV transmission from CEDAW[11] and other treaty bodies. However, the State failed to implement them.

26. Article 125 of the Criminal Code[12] of the Republic of Tajikistan criminalizes not only intentional transmission of HIV, but also 'Deliberately exposing another person to the danger of contracting the human immunodeficiency virus.'

27. Despite clarifications issued by the 2023–2024 Supreme Court Plenum aimed at humanizing the practice, the criminal provision itself remains in effect[13]. In 2025, 77 criminal cases were opened against 37 people in Sughd Region, Tajikistan, for transmitting HIV. This was announced at a press conference by a representative of the regional prosecutor's office[14].

28. Law enforcement officials use Article 125 for extortion. Sometimes, they persecute HIV-positive people simply for having the status. In one case, documented by ECOM in 2025, law enforcement officers threatened a social worker who tests people for HIV and demanded that the person provide the names of people living with HIV for extortion.

---

[10] ECOM monitoring 2025, Tajikistan.

[11] CEDAW/C/TJK/CO/7, paragraph 52-53, February 2024. URL: https://docs.un.org/en/CEDAW/C/TJK/CO/7

[12] Criminal Code of Tajikistan, URL: https://continent-online.com/Document/?doc_id=30397325
Criminal Code of Tajikitan in English, refworld, URL: https://www.refworld.org/themes/custom/unhcr_rw/pdf-js/viewer.html?file=https%3A%2F%2Fwww.refworld.org%2Fsites%2Fdefault%2Ffiles%2F2024-02%2FNew%2520crim%2520code%2520taj.pdf

[13] Resolution of the Plenum of the Supreme Court of the Republic of Tajikistan No. 2 of December 26, 2023, URL: 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

[14] URL to the statement in telegram channel, Asia plus: https://t.me/asiaplus/95249

29. In addition to extortion and criminal prosecution, people living with HIV face illegal disclosure of their status. For example, in 2022, a gay man was diagnosed with HIV at an AIDS center. He was assigned code 103 (this is how men who have sex with men are registered). After returning home, the victim's brother beat him, revealing that he knew about his SOGI and his HIV status. The victim was kicked out of the house[15].

30. Cases, documented between 2022-2026 in Tajikistan, indicate:

- Forced HIV testing.
- Public disclosure of HIV status by police officers and medical workers.
- Extortion and pressure using information about HIV status.

31. Criminalization creates stigma and provides grounds for harassment and extortion. People living with HIV and LGBTI individuals are subject to stigma and discrimination. They are denied the right to health in medical and penitentiary institutions. However, there is no active government policy to prevent these violations, and clarifications issued by the Supreme Court Plenum did not change the persecution practice.

4. The use of criminal law to marginalize LGBTI people: police violence

32. Law enforcement officials remain the main persecutors of LGBTI people. 66% of all cases of human rights violations against LGBTI people, registered by ECOM in 2025[16], were initiated by police. In several cases, individuals were subjected to physical violence, lengthy interrogations without due process, deprivation of basic needs, and coercion to disclose personal information.

33. These actions were clearly discriminatory based on sexual orientation and gender identity and may amount to cruel, inhuman, or degrading treatment within the meaning of Articles 1 and 16 of the Convention against Torture.

34. In Tajikistan, there is no direct criminalization of the LGBTI community; however, law enforcement officials continue to use other criminal law provisions to pressure LGBTI individuals.

35. There is a practice of using Article 241 of the Criminal Code (Illegal production and circulation of pornographic materials or objects) or Article 125 against LGBTI people. During administrative arrest (usually for 10-15 days), law enforcement officers confiscate mobile phones, copy personal information and correspondence, summon contacts for questioning, and, in some documented cases, apply physical and psychological pressure to detainees and summoned witnesses. These actions are aimed at extracting confessions or witness testimony about the alleged distribution of pornographic materials or intentional HIV infection.

---

[15] ECOM, National report on violations of the rights of gay men, other MSM and trans people in Tajikistan, 2022. URL: https://ecom.ngo/en/library/report-violations-of-the-rights-tajikistan-2022/

[16] ECOM, Between Law and Reality: Report on Human Rights Violations against LGBT People in Eastern Europe and Central Asia in 2025, URL: https://ecom.ngo/en/library/lgbt-rights-violations-report-eeca-2025/

36. In 2024, ECOM documented 6 cases, where law enforcement officers directly threatened victims with prosecution under Article 241. In all cases, the victims did not produce or distribute pornographic materials in the usual sense of the term. Either their phones contained intimate personal photos, or during “fake dates[17]”, the officers asked them to send intimate personal photos in chats. During illegal searches of phones and laptops, law enforcement officers found such materials and extorted money from victims by threatening to imprison them under this article

37. The victim was approached by two criminal investigation officers. He was told that he was suspected of distributing pornography via the Internet. He was shown his correspondence with men, where he sent intimate photos. This correspondence was obtained illegally through blackmail, threats, and the confiscation of personal phones[18].

38. In its concluding observations, the Human Rights Committee expressed concern about reports of violence against LGBTI people, including arbitrary arrests, detention, and extortion by law enforcement officials. Furthermore, the Committee expressed concern about the Human Rights Commissioner's statement in January 2019 that international recommendations regarding the protection of LGBTI rights would not be implemented because they contradicted "the moral and ethical norms of human relations in the country."

39. Despite cases registered by human rights organizations and recommendations from UN treaty bodies, police brutality remains one of the most pressing problems for LGBTI people in Tajikistan.

V Recommendations

40. Tajikistan should:

Amend the Law on Equality to explicitly include sexual orientation and gender identity as protected characteristics.

Expand the mandate of the Ombudsperson to systematically monitor human rights violations against LGBTI persons and people living with HIV.

Introduce legislation on hate crimes, explicitly including sexual orientation and gender identity as protected grounds.

Establish a clear, accessible and non-discriminatory administrative procedure for legal gender recognition, based on self-determination and aligned with ICD-11.

[17] Fake dates are a common form of crime against LGBT people in Tajikistan. Perpetrators (often police officers) meet LGBTI people online, arrange dates, and then either extort money or commit violence.

[18] ECOM, National Report on Violations of the Rights of LGBT People in Tajikistan, 2024. URL: https://ecom.ngo/en/library/national-report-tajikistan-2024/

Revise Article 125 of the Criminal Code of the Republic of Tajikistan to decriminalize HIV exposure and prevent criminal prosecution in the absence of intent.

Prohibit compulsory HIV testing and ensure medical confidentiality.

Refrain from using Article 241 of the Criminal Code to target or persecute LGBTI persons.

Ensure prompt, effective and impartial investigations into allegations of abuse by law enforcement officials, and ensure accountability.