TAJIKISTAN

Joint Stakeholder Submission to the UN Universal Periodic Review
53rd Session of the UPR Working Group of the Human Rights Council

10 April 2026

Submitted by: Equality Now (lead organisation), PO "Women Lawyers for Development" and the Public Foundation "Your Choice"

Introduction **2**
Ratification of International Human Rights Instruments **2**
Past Recommendations 2
Implementation Level: Not Implemented 2
Recommendations 3
Gender-Based Violence against Women and Girls **3**
Past Recommendations 3
Implementation Level: Not Implemented 4
General Comments 4
Domestic Violence 5
Sexual Violence 7
Child and Forced Marriage 9
Women and Girls Facing Intersecting Forms of Discrimination 11
Data Collection and Monitoring 12
Recommendations 12

Introduction

1. During the third UPR cycle, Tajikistan received and supported multiple recommendations concerning the ratification of core human rights instruments to which it is not yet a party, as well as recommendations on combating violence against women and girls, including those facing intersecting forms of

discrimination. This submission provides an update on the implementation of those recommendations and highlights key issues relating to violence against women in Tajikistan, in particular domestic and sexual violence, as well as child and forced marriage. It also offers targeted recommendations to the Recommending States.

Ratification of International Human Rights Instruments

Past Recommendations

2. During the third cycle of the Universal Periodic Review, Tajikistan received and supported multiple recommendations concerning the ratification of core international human rights instruments. These included, for example, recommendations to consider ratifying the core human rights treaties to which Tajikistan is not yet a party (123.4, 123.6, among others). In particular, Tajikistan supported recommendations relating to:
   2.1. the Convention on the Rights of Persons with Disabilities (123.12–123.21 and others);
   2.2. the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (123.42 and others); and
   2.3. the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (123.43 and others).

Implementation Level: Not Implemented

3. However, several international human rights instruments remain unratified. In particular, and of direct relevance to this submission, Tajikistan has not yet ratified: the Convention on the Rights of Persons with Disabilities and the Optional Protocols to the following conventions: the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

Recommendations

4. Tajikistan should ratify the following international human rights instruments:
   4.1. Convention on the Rights of Persons with Disabilities;

4.2. Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
4.3. Optional Protocol to the Convention on the Rights of the Child; and
4.4. Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Gender-Based Violence against Women and Girls

Past Recommendations

5. During the third UPR cycle, Tajikistan received and supported multiple recommendations concerning violence against women and girls, including women and girls exposed to intersecting forms of discrimination. In particular, Tajikistan supported recommendations to:
   5.1. criminalise all forms of gender-based violence, including domestic violence, marital rape, and sexual assault within and outside marriage, including through the introduction of specific provisions in the Criminal Code (123.50, 123.64 and others);
   5.2. criminalise domestic and intimate partner violence, generate statistics on this matter, establish shelters for victims, and provide them with legal, medical and psychosocial assistance (123.114);
   5.3. criminalise child, early and forced marriage as a distinct offence in national legislation, in line with international standards, and provide ongoing support to victims (123.221);
   5.4. 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 (123.94 and others); and
   5.5. continue efforts to promote gender equality and combat all forms of discrimination against women and gender stereotypes (123.205 and others).

Implementation Level: Not Implemented

General Comments

6. Specific forms of gender-based violence are addressed in the sub-sections below. At the outset, however, it is important to highlight several cross-cutting concerns that continue to undermine the prevention of and response to gender-based violence against women and girls in Tajikistan.
7. A central concern is the inadequacy of the current legal framework. Domestic violence and many other forms of gender-based violence against women and girls remain outside the scope of full criminalisation in Tajikistan. For several years, the Government has reported to international human rights mechanisms that the draft Criminal Code already includes relevant provisions. However, the process of adopting a new Criminal Code has been repeatedly delayed, and no clear timeline for its adoption has been made public. In the meantime, the necessary amendments could have been introduced into the current Criminal Code. The reform process has also lacked transparency and failed to ensure meaningful participation by civil society or national and international experts.
8. These legislative gaps persist in a context where gender-based violence against women and girls remains widespread. According to a 2020 UN study,[1] the most common type of violence against women by their husbands/partners throughout the life course is economic violence (31 per cent). Meanwhile, psychological violence accounts for 21 per cent, physical violence 20 per cent and 6 per cent sexual violence.[2] The prevalence of violence committed by an ex-husband/partner is even higher. Physical violence by an ex-husband/partner was experienced in their lifetime by 66 per cent of women surveyed.[3] One in three women have experienced sexual violence by an ex-husband/partner in their lifetime.[4]
9. The persistence of such violence is closely linked to harmful gender stereotypes and discriminatory social attitudes that continue to normalise and justify abuse. According to a 2022 Baseline study on people's perception of violence against women and girls in Tajikistan within the Spotlight Initiative,[5] on average, 41.2% of respondents justified physical violence. One of the most powerful reasons, according to respondents, "justifying violence", is cheating 79.8% (women - 86.6%).

10. The State's response remains inadequate both procedurally and institutionally. A review of the Code of Criminal Procedure of the Republic of Tajikistan shows that it does not provide specific procedural safeguards for survivors of domestic violence or other forms of violence against women and girls, either during investigation or at trial. As a result, survivors remain without tailored procedural protection within the justice process and face significant barriers to effective access to justice.
11. At the same time, the institutional response remains inadequate. National legislation or policies do not require mandatory training for all actors involved in preventing and responding to gender-based violence against women and girls and protecting survivors. In addition, the instructions developed for the responsible authorities under the 2013 Law on the Prevention of Domestic Violence do not form a coherent, unified coordination mechanism. Awareness among State bodies responsible for implementation reportedly remains low, particularly with regard to available services and referral pathways.
12. These shortcomings are further compounded by the serious lack of protection and support services available to survivors across Tajikistan. Survivors continue to face insufficient access to 24/7 hotlines, free legal aid, adequate shelters, medical treatment, psychosocial counselling, and economic support. State funding for rehabilitation and adaptation centres for victims of violence remains insufficient.

Domestic Violence

13. Despite several amendments to the Law of the Republic of Tajikistan on the Prevention of Domestic Violence (2013), the legal and institutional framework on domestic violence remains fundamentally inadequate and does not ensure effective prevention, protection, accountability or access to justice.
14. Domestic violence is still not criminalised as a distinct offence. Draft Article 153 of the new draft Criminal Code would provide for punishment for domestic violence. However, the second version of the draft substantially narrowed the scope of the offence. Unlike the first version, it would punish only the infliction of moderate bodily harm. It would no longer cover the infliction of minor bodily harm (currently addressed under Article 112 of the Criminal Code), isolation, intimidation for the purpose of imposing one's will or exercising personal control over the victim, deprivation of economic resources, including means of subsistence, or neglect, all of which had been included in the earlier draft. Both

versions of Article 3 of the draft Criminal Code and the Law on the Prevention of Domestic Violence (2013) limit domestic violence to violence committed between "family members", failing to cover former spouses and cohabitants, persons who do not live together but are in long-term romantic and/or intimate relationships, and persons dependent on either the perpetrator or the victim. If draft Article 153 is adopted in its current form, with these shortcomings, impunity for domestic violence will remain largely unchanged and the criminalisation of domestic violence will be ineffective in practice.

15. The Law on the Prevention of Domestic Violence (2013) continues to define domestic violence in gender-neutral terms. This approach fails to reflect the reality that, in Tajikistan, women and girls are disproportionately affected by domestic violence committed by intimate partners and/or male relatives. The definition of domestic violence refers only to specific acts and does not expressly encompass actions and omissions – such as neglect, and forms of coercion and economic violence (such as deliberate ignoring, or withholding resources) – which may also constitute domestic violence. In addition, the definition of "victim" does not include children who witness domestic violence and may suffer harm as a result.

16. One of the law's most serious gaps is the absence of a clear definition of "family" and/or "family relations." As a result, the scope of protection does not clearly cover all relevant relationships, including former spouses; partners living separately but engaged in sexual or romantic relationships; and relationships within the family or household involving older and younger generations, blood relatives, persons living in the same household, and children or persons with disabilities under guardianship or care.

Sexual Violence

17. The legislation of Tajikistan fails to provide a consent-based definition of rape contrary to international human rights standards.[6] The definition of rape (Criminal Code Article 138[7]) and other sexual violence crimes (Criminal Code Articles 139[8] and 140[9]) under Tajik law focuses on the use of force, threat of force, abusing the helplessness of the victim, and various forms of coercion, rather than focusing on the absence of the free and voluntary consent that should be assessed in the context of the surrounding circumstances.

18. The Criminal Code of Tajikistan does not treat all acts of rape with equal severity. Tajik legislation currently allows for two different rape crimes, one of which calls for more serious penalties on conviction (Article 138 and 139) while the other, Article 140, is called coercion rather than rape, and is defined as a 'light crime' committed in circumstances other than with the use of force or threat of immediate force or helplessness. This reinforces the myth that rape always or predominantly involves physical force.
19. Marital and intimate partner rape are neither separately criminalised (though the law punishes rape irrespective of the identity of the perpetrator and victim), nor treated as an aggravating factor. Society and law enforcement do not take marital rape seriously, resulting in many acts of sexual violence within a marital or intimate partnership remaining unpunished. The Committee's General Recommendation No. 35, updating No. 19, explicitly calls for the criminalization of marital rape and other acts of sexual violence as crimes against women's right to personal security and their physical, sexual and psychological integrity.[10] It is increasingly important to ensure the explicit and effective criminalization of marital rape and its inclusion as an aggravating factor.[11] This would contribute to sending a message to society and law enforcement that rape is an unacceptable crime in all circumstances and will be appropriately punished.
20. Tajikistan maintains burdensome and discriminatory evidentiary standards in cases of sexual violence, and this is further exacerbated when the victim has a disability. In the overwhelming majority of cases, sexual violence crimes are prosecuted only when physical injuries are found on the body of the victim, as well as biological materials associated with a sexual act. Investigators and judges are inclined to base their decisions solely on the outcomes of forensic examinations. If a forensic examination does not identify injuries on a victim's body or signs of violence (including, for example, if a long time has passed since the abuse was committed), the victim's testimony may not be believed. As a result of an existing stigma and ableism associated with different forms of disabilities[12] and laws failing to provide procedural accommodation, disability often leads to the denial of justice for sexual violence, even if the disability does not affect the person's ability to comprehend the events that happened to them.
21. Gender stereotyping and discriminatory investigation procedures applied in practice constitute a significant barrier to justice for survivors of sexual violence. These include routine usage of the "investigative experiment" (provided by the

law), which requires the victim to "re-enact" the crime; victims often being interrogated in shared spaces without privacy considerations; victim-blaming by law enforcement; hymen examinations (which lack any scientific validity) diverting attention from obtaining evidence of rape and disadvantaging survivors; lack of gender-sensitive protocols in forensic examinations. During trials, victims are forced to confront perpetrators directly, enduring confusing and intimidating questioning. Remote questioning options are not implemented, and evidence rules lack restrictions on examining prior sexual history, often against the victim's interests.[13]

22. The CEDAW Committee made specific recommendations to Tajikistan in 2024 to:
    - Review the draft criminal code with a view to criminalizing all forms of gender-based violence against women; amend articles 138, 139 and 140 of the Criminal Code to ensure that the definition of rape is based solely on the absence of a free and voluntary expression of consent;
    - specifically criminalize marital rape, sexual harassment and online violence;
    - expeditiously adopt the amended draft criminal code;
    - conduct training for law enforcement officials, judges and other officers of the justice system to ensure implementation of the code; and, furthermore, conduct awareness-raising campaigns about the new provisions for the general public".[14]

    However, no meaningful progress has been made in implementing the above recommendations. Subsequent letters from civil society organisations to the Government raising these issues have likewise remained unanswered and without effect.

Child and Forced Marriage

23. Child and forced marriages, constituting harmful practices and human rights violations, remain a serious problem in Tajikistan. Under the Family Code, the marriage age is 18, while the court may lower it to 17 in exceptional cases (article 13). According to the World Economic Forum's Global Gender Gap Report 2023, the percentage of early marriage (percentage of girls aged 15–19 years who are or have ever been married, divorced, widowed or in an informal union) is 14.30 %.[15] The UNICEF Global Database 2021 indicated that the percentage of women aged 20 to 24 years who were first married or in union before age 18 stood at 8.7%.[16] In 2020, Tajik courts authorised the marriage of 2,500 underage girls.[17]

24. According to local experts, parents wanting to marry off their daughters early lower the apparent age of their daughters in two ways: illegally and legally. To enable an illegal marriage, parents inflate the age of their daughters and apply to the civil registry office to obtain a false birth certificate. Civil registry officers do not always have an opportunity to check the validity of the medical certificate of birth, which would demonstrate the girl's true age. The authorities have not put in place any effective measures to prevent or address this practice.

25. With respect to the "legal" ways of authorizing child marriage - to obtain a valid marriage under Article 13 of the Family Code, in exceptional cases, at the request of the persons wishing to marry, the court has the right to lower the age of marriage by no more than one year, i.e. 17. However, according to local experts, the analysis of courts' decisions allowing registration of early marriages has shown that the courts do not apply a gender-sensitive approach, as they do not take into account the rights and best interests of the parties getting married, especially girls, namely the voluntariness of the marriage union, the interests of the child and independent decision-making, as well as the impact of such unions on the realization of the rights of girls.

26. Girls who enter into marriage at an early age are at greater risk of domestic violence, including sexual violence, and abuse. As a result of being married at an early age, their education is very often disrupted either because they are not permitted to return to school/ university, or because of early pregnancy. Therefore, they are less likely to be able to escape poverty and have to stay in abusive relationships because of economic dependence, in addition to social stigma.

27. Despite the CEDAW Committee's specific 2024 recommendations to Tajikistan to amend article 13 of the Family Code to remove any exception to the minimum age of marriage of 18 years; keep a record of all birth certificates at civil registry offices and require civil registration of the marriage before a religious wedding ceremony may take place; and enforce the criminalization of child and forced marriage with penalties against those who aid and abet in such unions, while ensuring that the children involved are protected and not criminalized,[18] no meaningful progress has been made. Subsequent letters from civil society organisations to the Government raising these issues have likewise remained unanswered and without effect.

Women and Girls Facing Intersecting Forms of Discrimination

28. The legal and policy framework on gender-based violence against women in Tajikistan does not adequately address the needs and heightened risks faced by women and girls experiencing intersecting forms of discrimination. Legislation aimed at preventing and responding to gender-based violence, including the Law on the Prevention of Domestic Violence (2013), fails to reflect the specific needs of various groups of women and girls, including women and girls with disabilities and women and girls living with HIV, and does not provide for targeted measures to protect them.

29. Women and girls with disabilities, particularly those with psycho-social needs, face several barriers in accessing justice for different forms of violence, including sexual violence. Barriers include the lack of sufficient means (including technical) to report violence to the authorities; absence of guidelines on interviewing victims, particularly vulnerable groups, for sexual violence, which should be tailored to their specific situation; lack of knowledge of law enforcement on how to obtain witness statements from women with disabilities (particularly from women with psycho-social needs); the practice of automatically excluding evidence of a person with mental disability based on medical expert examination of the person rather than the evidence itself; and the intersection of disability and gender-related prejudices throughout the process (for example, discriminatory perceptions that women with disabilities are prone to lying). These all perpetuate the culture of impunity for perpetrators.

30. Women living with HIV also face specific and serious barriers to protection from violence. In particular, the criminalisation of "knowingly putting another person at risk of contracting HIV" under Article 125 of the Criminal Code limits the right of women with HIV to seek protection from law enforcement agencies when they are subjected to violence by an intimate partner, as they fear prosecution. In practice, when a woman with HIV, is subjected to long-term violence by an HIV-negative sexual partner who knows about her diagnosis and agreed to build a relationship with her attempts to seek help, such partner may blackmail her over her HIV status, threatening to file a complaint against her for knowingly putting him at risk of HIV, and threatens to disclose her status to neighbours. Such legal regulation allows the aggressor's actions to go unpunished.

Data Collection and Monitoring

31. There is a serious and persistent lack of systematic data collection and monitoring on gender-based violence against women in Tajikistan. The authorities do not collect comprehensive, disaggregated data on all forms of violence against women and girls, including sexual violence, child marriage and forced marriage. In particular, there is a lack of data disaggregated by type of violence, relationship to the perpetrator, age, sex, disability, ethnicity, and other relevant characteristics, as well as data on the outcomes of cases, including the number of complaints received, investigations opened, prosecutions conducted, convictions secured, sentences imposed, and attrition rates. This gap was also highlighted by the CEDAW Committee in its 2024 concluding observations on Tajikistan.[19] In its seventh periodic report submitted in November 2022, Tajikistan indicated that it planned to conduct a prevalence survey on gender-based violence against women and girls, including rural women and women and girls belonging to disadvantaged groups. However, these plans have not yet been implemented.

Recommendations

32. Substantive law

32.1. Introduce a consent-based definition of rape in line with international human rights standards, including those developed by the CEDAW Committee, and ensure that marital and intimate partner rape are treated as aggravating circumstances.

32.2. Criminalise all forms of gender-based violence against women and girls (in line with CEDAW and other UN treaties), including domestic violence, stalking and forced marriage.

32.3. Amend the Family Code to establish 18 as the minimum age of marriage without exception.

32.4. Ensure that legislation and policies address the needs of women and girls exposed to intersecting forms of discrimination, including women with disabilities.

33. Practice and procedural changes

33.1. Ensure that all cases of violence against women and girls, including sexual violence, child marriage and forced marriage, are investigated, prosecuted and adjudicated using a victim-centred approach and from a gender-, age-, and disability-sensitive perspective.

33.2. Remove burdensome evidentiary standards and corroboration requirements in cases of violence against women and girls, including sexual violence.

33.3. Ensure that women and girls from vulnerable and marginalised groups are able to access justice on an equal basis, including through procedural accommodation for women and girls with disabilities.

33.4. Strengthen protection and support services for survivors of violence against women and girls throughout Tajikistan, including by ensuring access to 24/7 hotlines, free legal aid, adequate shelters, medical care, psychosocial counselling and economic support.

34. **Training of professionals**

34.1. Develop and adopt mandatory protocols and manuals outlining how to respond to cases of violence against women and girls, including sexual violence, child marriage and forced marriage.

34.2. Provide targeted and mandatory training on the prevention, identification, investigation, and response to sexual and other forms of gender-based violence against women and girls for law enforcement officials, judges, prosecutors, health-care personnel, social workers, and other professionals who work with survivors, including in rural areas.

35. **Data collection and monitoring**

35.1. Strengthen the collection and maintenance of data on all forms of violence against women and girls, including sexual violence, child marriage and forced marriage.

35.2. Ensure that such data are disaggregated by type of violence, relationship to the perpetrator, age, sex, disability, ethnicity, and other relevant characteristics, and include information on complaints received, investigations opened, prosecutions conducted, convictions secured, sentences imposed, and attrition rates.

36. Stereotypes and awareness-raising

36.1. Ensure continuous awareness-raising campaigns on the unlawful and unacceptable nature of all forms of violence against women and girls, including sexual violence, marital rape, intimate partner rape, child marriage and forced marriage, as well as on the legal protections available.

36.2. Develop and adopt a comprehensive Government strategy to eliminate discriminatory gender stereotypes and harmful practices and to promote zero tolerance for all forms of violence against women and girls as part of achieving substantive gender equality.

Endnotes

1. Analytical Report: Assessment of the Situation on Gender-Based Violence against Women and Girls in the Target Districts of the Republic of Tajikistan, 2020 https://www.undp.org/sites/g/files/zskgke326/files/migration/tj/UNDP-TJK-Pub_2021_06-1_Final_SurveyRU_12102020.pdf
2. ibid, p. 64
3. ibid, p. 83
4. ibid, p. 64
5.https://www.spotlightinitiative.org/publications/baseline-study-peoples-perception-violence-against-women-and-girls-tajikistan-within
6. CEDAW Committee, General recommendation No. 35; CEDAW Committee, Vertido v Philippines, Merits, Communication No. 18/2008, UN Doc CEDAW/C/46/D/18/2008; Article 36 of the Istanbul Convention
7. Article 138 – Rape: *Rape, i.e. sexual intercourse with application of violence or with threat of its application to a woman or her relatives or with use of helpless condition of a woman, - shall be punished by imprisonment for a term of three to seven years.*
8. Article 139 – Violent acts of a sexual nature: *Sodomy, lesbianism or other acts of a sexual nature with application of violence or threat of violence to the victim (victim) or to their relatives or using the helpless state of the victim (victim), - shall be punished by imprisonment for a term of five to seven years.*
9. Article 140 – Coercion to acts of a sexual nature: *Coercion of a person to sexual intercourse, masculinity, lesbianism or other actions of a sexual nature by blackmail, threat of destruction, damage or seizure of property or with the use of official, material or other dependence of the victim, - is punished by the penalty at a rate from five hundred up to seven hundred indicators for calculation by corrective works for the term up to two years or imprisonment for the term up to two years.*
10. para. 33
11. See e.g. Article 46 of the Istanbul Convention stating that a crime committed against a former or a current spouse or a partner should be treated as an aggravating factor.
12.https://reliefweb.int/report/tajikistan/intersection-disabilities-and-violence-against-women-and-girls-tajikistan, p. 5
13. Joint submission to CEDAW on Tajikistan by Equality Now, Women Lawyers for Development and the Public Foundation 'Your Choice' (2023), available at: https://equalitynow.org/resource/submissions/information-on-tajikistan-for-consideration-by-the-committee-on-the-elimination-of-discrimination-against-women-at-its-87th-session-december-2023/ , paras. 18-23; CEDAW, Concluding observations on the seventh periodic report of Tajikistan (CEDAW/C/TJK/CO/7, 2024), paras. 22-23, 36-37
14. CEDAW/C/TJK/CO/7, para. 37(a)
15. https://www.weforum.org/publications/global-gender-gap-report-2023/in-full/
16.https://evaw-global-database.unwomen.org/en/countries/asia/tajikistan?formofviolence=e1617fa638ca4041900fea9b9194c9d4#3
17. https://rus.ozodi.org/a/29852532.html

18. CEDAW/C/TJK/CO/7, para. 35
19. CEDAW/C/TJK/CO/7, paras. 36-37