Information on Tajikistan for Consideration by the Committee on the Rights of the Child 101st Session (01 September 2026 – 28 September 2026)

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Introduction

1. In its 2017 concluding observations on the combined third to fifth periodic reports of Tajikistan,[1] the Committee expressed concern about child marriage[2] and violence against children.[3]

2. This submission provides information on child marriage and sexual violence against girls, both of which remain persistent problems in Tajikistan. These issues have been

[1] CRC/C/TJK/CO/3-5
[2] ibid., paras. 13 and 23
[3] ibid., para. 22

largely overlooked in the State party's report and its replies to the list of issues. The submission also proposes targeted recommendations for Tajikistan.

Information about the authors of the submission

3. **Equality Now** is a worldwide human rights organisation dedicated to securing the legal and systemic change needed to end discrimination against all women and girls, everywhere in the world. Since its inception in 1992, it has played a role in reforming over 135 discriminatory laws globally, positively impacting the lives of hundreds of millions of women and girls, their communities and nations, both now and for generations to come. Since 2019, Equality Now has consistently analysed laws, policies and procedures relating to violence against women and girls in Tajikistan, particularly in the areas of sexual violence and child and forced marriage.

4. **Women Lawyers for Development**[4] is an NGO working on prevention and response to sexual and gender-based violence in Tajikistan. Their work is aimed at creating a safe and enabling environment for vulnerable women by providing them with legal assistance in the form of counselling, legal aid, and empowerment through education, increasing the effectiveness of measures to punish perpetrators and promoting long-term changes in society aimed at creating a safe and equal environment for all women and protecting their social rights. They conduct advocacy campaigns for awareness-raising for women in society, changing negative stereotypes and creating conditions for a dignified life and gender equality.

5. **The Public Foundation "Your Choice"** is a human rights organisation in Tajikistan that actively promotes amendments to the Criminal Code of the Republic of Tajikistan in connection with all types of gender-based violence, including sexual violence, and works to prevent domestic violence and other forms of violence in the Republic of Tajikistan.

[4] https://www.facebook.com/WomenLawyersforDevelopment/

Child, early and forced marriage and unions

6. During the previous periodic review, in 2017, the Committee expressed concern that children as young as 17 could still be permitted to marry.[5] It urged the State party to amend the Family Code to eliminate all exceptions to the minimum age of marriage of 18 for both girls and boys and to take all measures necessary to eradicate child marriage.[6] The Committee also expressed concern about the continued practice of conducting religious marriage ceremonies ("nikoh") involving children under the age of 18.[7]

Continued Legal Possibility of Lowering the Minimum Age of Marriage

7. However, the relevant legislation has not been amended, and both concerns persist. Article 13(2) of the Family Code continues to permit courts, "in exceptional circumstances," to reduce the minimum marriage age by up to one year. Neither the Family Code nor the Law on State Registration of Civil Status Acts define what constitutes "exceptional circumstances" or specify any circumstances or criteria that may justify such a reduction.

8. According to national experts, parents may invoke family circumstances – including poverty or the need to care for an ill relative – to seek authorization for their daughter to marry before reaching the legal age.[8] An analysis of relevant judicial decisions conducted by local experts found that almost half of cases merely referred in general terms to provisions of the Family Code and the Code of Civil Procedure, without specifying the reasons justifying the reduction of the minimum marriage age.[9]

9. In its replies to the list of issues concerning its seventh periodic report, submitted to the Committee on the Elimination of Discrimination against Women in October 2023, Tajikistan reported that its courts had considered 14,625 applications to reduce the minimum marriage age between 2018 and 2022. Of these, 14,478 – approximately 99

[5] CRC/C/TJK/CO/3-5, para. 13
[6] ibid.
[7] ibid., para. 23
[8] https://equalitynow.org/wp-content/uploads/2024/10/EN-Eurasia-CEFM-Marriages-Report-PDF-05-1.pdf, p. 40
[9] ibid.

per cent – were granted, while only 147 were refused.[10] These figures demonstrate that the provision has been applied routinely rather than in genuinely exceptional circumstances.

10. Recent statistics confirm that the practice persists. During the first six months of 2026, Tajik courts considered 503 applications to reduce the minimum marriage age and granted 423 of them – approximately 84 per cent. According to Deputy Chair of the Supreme Court Abdukahhor Tagozoda, the number of applications declined compared with the same period in 2025, when courts received 1,376 applications. However, the Supreme Court did not disclose how many of the 2025 applications were granted.[11]

State Registration Is Still Not Required Before a Religious Marriage Ceremony

11. In 2024, in its concluding observations, the Committee on the Elimination of Discrimination against Women urged Tajikistan to require the civil registration of all marriages before any religious marriage ceremony is conducted.[12]

12. However, Tajik law still does not require state registration to precede a religious marriage ceremony ("nikoh"). This legal gap perpetuates discrimination and increases the risk that women and girls will enter child, polygamous or forced marriages.

13. Women and girls in unregistered religious unions are also denied the legal recognition and protections associated with a registered marriage, including economic security, property and inheritance rights, and safeguards concerning the custody and support of their children. Consequently, they and their children may be deprived of the rights guaranteed under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) both during the relationship and upon its dissolution.

[10] CEDAW/C/TJK/RQ/7, para. 209
[11] https://www.currenttime.tv/a/bolee-400-razresheniy-dlya-vstupleniya-nesovershennoletnih-v-brak-vydali-v-tadzhikistane-za-polgoda/33810574.html
[12] CEDAW/C/TJK/CO/7, para. 35(b)

Gaps in the Criminalisation of Forced Marriage and the Absence of a Comprehensive Response to Child, Early and Forced Marriage and Unions (CEFMU)

14. Article 168 of the Criminal Code criminalises arranging the marriage of a girl below the minimum marriage age by her parents, guardians or other persons exercising authority over her, as well as facilitating or assisting such a marriage. Article 169 criminalises entering into a marriage agreement involving a person below the minimum marriage age or marrying such a person. Neither provision provides for a custodial sentence. Information previously submitted by the Tajik authorities indicates that only a very limited number of criminal cases were initiated.[13] No information was provided about the resulting judgments or sentences, and no more recent official data appear to be publicly available.

15. Significant gaps also remain in other areas of addressing CEFMU. The Criminal Code does not expressly criminalise forced marriage or forced cohabitation. Laws also do not envisage legal consequences for child marriages concluded through religious ceremonies or cohabitation with a child where the union has not been officially registered.

16. Despite the adoption of some limited measures to address the issue of CEFMU, Tajikistan still lacks a comprehensive national strategy or action plan to prevent and address it.

Sexual Violence Against Girls: Gaps in the Legal and Institutional Response

17. Some sexual violence crimes against minors are framed in a way that fosters a very problematic assumption: that the underage person consented, wanted, or even initiated sexual intercourse. Such framing and interpretation of the law tend to shift blame onto the minor rather than the perpetrator, influencing the treatment the perpetrator might receive within the criminal justice system.

18. Article 141 of the Criminal Code criminalises sexual intercourse of an adult with someone under 16. Under Article 141(1), the crime of sexual intercourse with a minor is

[13] CRC/C/TJK/6-7, para. 122

defined as “sexual intercourse, sodomy, lesbianism or other acts of a sexual nature committed with a person known to be under sixteen years of age, in the absence of signs of an offence under Articles 138 and 139 of this Code”.

19. Even though the word “consent” is not mentioned in the article, it is presumed that the minor perceives the act as consensual, even if the minor wanted or initiated sexual intercourse, despite being legally incapable of consent. This problematic assumption can affect the way the perpetrator might be treated by the criminal justice system, which can put the blame on the minor instead of the perpetrator. Additionally, a perpetrator can be prosecuted only if he knew or ought to have known that the victim was a person under 16 years of age. In practice, this opens the door to impunity for perpetrators to claim that they did not know the age of the victim, as well as giving leverage to law enforcement to close such cases. The June 2026 UNICEF policy brief, *Review of Judicial Practice in Cases concerning Crimes against the Sexual Freedom and Sexual Inviolability of Children in the Republic of Tajikistan (2022–2024)*, also identified cases where courts incorrectly reclassified offences as less serious crimes, potentially resulting in inadequate sentences.[14]

20. In its report to the CRC, the State party states that it is progressively strengthening the legal and institutional framework for preventing and addressing all forms of violence against children, including sexual, domestic and gender-based violence. As evidence, it notes that the maximum penalties for several offences against the sexual integrity of children have been increased to life imprisonment.[15]

21. However, harsher penalties alone cannot ensure an effective response. Serious gaps remain in the prevention, identification, reporting, investigation and prosecution of sexual violence against children, and many cases never result in a conviction. Tajikistan also lacks specialised, comprehensive and child-sensitive protocols – aligned with international standards – to guide the coordinated response of law enforcement, healthcare, social services and child-protection authorities.

[14] https://www.unicef.org/tajikistan/media/9736/file/Review%20of%20court%20cases_English.pdf.pdf, p. 9
[15] CRC/C/TJK/RQ/6-7, reply regarding para. 7

22. The June 2026 UNICEF report confirms persistent shortcomings in investigative and judicial practices. Procedural safeguards for children are not consistently implemented, some practices risk exposing child victims to secondary victimisation, and many professionals involved in these procedures lack specialised training in working with child victims of sexual violence. The report also highlights frequent postponements of court hearings, which prolong proceedings and cause additional psychological distress to child victims.[16]

23. According to national experts, with the support of civil society organisations and international partners, training sessions have periodically been conducted in Tajikistan for law enforcement officials on responding to violence against children. However, such initiatives remain largely dependent on external funding from international organisations and donors. As grant support declines, training is delivered irregularly, does not reach all professionals working with children and cannot ensure the systematic transfer and retention of relevant knowledge, particularly in the context of staff turnover.

Data Collection and Monitoring

24. There is a serious and persistent lack of systematic data collection and monitoring on violence against girls in Tajikistan. The authorities do not collect or publish comprehensive, disaggregated data on all forms of violence against girls. In particular, data are not adequately disaggregated by the type of violence, the victim's relationship to the perpetrator, age, disability, ethnicity, or other relevant characteristics. Nor is sufficient information available on case outcomes, including the number of complaints received, investigations initiated, prosecutions brought, convictions secured, sentences imposed, and cases discontinued at each stage of the criminal justice process.

25. This gap was also highlighted by the CEDAW Committee in its 2024 concluding observations on Tajikistan.[17] In its seventh periodic report, submitted to the CEDAW

[16] https://www.unicef.org/tajikistan/media/9736/file/Review%20of%20court%20cases_English.pdf.pdf, p. 8-9

[17] CEDAW/C/TJK/CO/7, paras. 36(g) and 37(d)

Committee in November 2022, Tajikistan stated 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.[18] However, this survey has yet to be conducted.

26. The absence of reliable and sufficiently disaggregated data seriously impedes an accurate assessment of the scale, nature, and patterns of violence against girls. It also prevents effective monitoring of the authorities' response, obscures gaps in protection and accountability, and undermines the development of evidence-based laws, policies, and prevention measures.

Recommendations

27. Eliminate all exceptions to the minimum marriage age of 18 by repealing Article 13(2);

28. Require the state registration of every marriage before any religious marriage ceremony is conducted, including "nikoh", and establish effective monitoring and accountability mechanisms to ensure compliance by religious officiants and other persons facilitating such ceremonies;

29. Strengthen the legal framework on child and forced marriage and adopt and adequately fund a comprehensive national strategy to eliminate child and forced marriage, with clear institutional responsibilities, measurable targets and timelines. The strategy should address prevention, early identification, protection and recovery; guarantee access to education, legal assistance and child-sensitive support services; and include sustained engagement with families, communities and religious leaders.

30. Ensure that the issue of "consent" of a minor under 16 is immaterial and not examined in practice and that sexual acts committed by adults against minors are treated as rape and entail sentences commensurate to the gravity of the crime.

[18] CEDAW/C/TJK/7, para. 124

31. Develop and adopt binding, specialised and child-sensitive inter-agency protocols for responding to violence against children, including sexual violence and child and forced marriage, in line with international standards. These protocols should cover identification, reporting and referral; immediate protection and risk assessment; trauma-informed interviewing and investigation; medical, psychosocial and legal assistance; information-sharing and coordination among responsible agencies; and measures to prevent repeated interviewing, victim-blaming and secondary victimisation.

32. Establish and adequately fund mandatory, recurrent and institutionalised training for investigators, prosecutors, judges, law enforcement officials and other relevant professionals on the implementation of these protocols, child-friendly justice, trauma-informed approaches, the prevention of repeated and secondary victimisation, and the best interests of the child. The training system should include induction and regular refresher courses to address staff turnover and ensure continuity of institutional knowledge.

33. Establish a comprehensive system for collecting, analysing and publishing disaggregated data on violence against children. The data should cover the entire justice process – from reports and investigations to prosecutions, convictions and sentences – and be disaggregated by age, sex, disability, ethnicity, location, relationship to the perpetrator and other relevant characteristics.