Written information for the examination of Tajikistan's Implementation of the Convention Against Torture (CAT) with a focus on LGBTI Rights Violations

84th Session of the Committee against Torture

The submitting organization is ECOM — Eurasian Coalition on Health, Rights, Gender and Sexual Diversity — is an international non-governmental association based in Tallinn, Estonia.
We are a membership association open to non-profit organizations and activists working in the field of rights and health of LGBT communities in the Eastern Europe and Central Asia (EECA) region. ECOM was founded in 2011 and officially registered in 2013.
Website: https://ecom.ngo
Contact: contact@ecom.ngo, jipariza@ecom.ngo

March 2026

A. Introduction

1. Tajikistan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1995 and has a 'State Party' status within the framework of the Convention. Since then, Tajikistan reports on the extent to which its national legislation and law enforcement practices comply with the Convention. In 2025, Tajikistan submitted its replies (CAT/C/TJK/RQ/4) to the list of issues in relation to its fourth periodic report (CAT/C/TJK/4).

2. The replies of Tajikistan lack specific information regarding norms and practices that are enforced to protect lesbian, gay, bisexual, transgender, and intersex persons (LGBTI) against torture and other cruel treatment. The purpose of this report is to provide the missing information.

3. This report addresses Tajikistan's compliance with the Convention Against Torture (CAT) with a specific focus on human rights violations based on sexual orientation, gender identity (SOGI), and HIV status. It evaluates Tajikistan's progress since the last review and highlights persistent issues related to SOGI. For security reasons, the real names, faces, or places of residence of some of the people mentioned in the report have not been disclosed.

B. Positive aspects

4. ECOM recognizes the important steps Tajikistan has taken to prevent torture, 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].
- Conducting systematic training and information campaigns about HIV among prisoners and staff of the penitentiary system[2].
- Adoption of an anti-discrimination legislation that prohibits discrimination[3].

5. 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.

C. Principal subjects of concern and recommendations

Article 2, Legal Gender Recognition

[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] CAT/C/TJK/4, paragraph 57-65.

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

6. 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[4]), and the entire transition procedure is not standardized. As a result, civil registry offices often refuse applications, creating legal uncertainty[5].

7. Transgender people face discriminatory treatment and degrading procedures in medical institutions. The current model contradicts modern World Health Organization (WHO) standards (ICD-11[6]), which excludes 'transsexualism' from the list of mental disorders, and is inconsistent with the principles of bodily autonomy and non-discrimination.

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

9. In 2025, ECOM documented a case of a trans woman. She could not change her gender marker in Tajikistan. She tried to leave Tajikistan, but at the airport, she was subjected to humiliating treatment from border officials because her passport gender did not match her appearance. She was interrogated, ridiculed and humiliated[7].

Article 2, paragraph 3 of the List of Issues (CAT/C/TJK/Q/4)

10. ECOM continuously monitors human rights violations based on one's sexual orientation, gender identity, and HIV status in Tajikistan. In 2025 alone, 47 violations were recorded. Law enforcement officers are often the perpetrators. In documented cases, law enforcement officials used arbitrary detention, physical and psychological pressure, forced medical testing (including HIV testing), threats of outing[8], extortion, and degrading treatment.

11. In several cases, individuals were subjected to physical violence, lengthy interrogations without due process, deprivation of basic needs, and coercion to disclose personal information, in violation of Articles 1 and 16 of the Convention against Torture.

12. ECOM documented a case in which law enforcement officers summoned an LGBTI person for questioning and blackmailed him, threatening to reveal his sexual orientation to his family. The victim was then offered a deal: share information about 10 LGBTI people in exchange for release.

---

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

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

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

[7] ECOM monitoring 2025, Tajikistan.

[8] The act of disclosing an LGBTI person's sexual orientation or gender identity without their consent.

13. Cases in which law enforcement officers offer to release LGBTI individuals detained in exchange for information about other LGBTI individuals are not uncommon. ECOM has documented these cases consistently for several years. Thus, under this scheme, officers constantly gain access to new LGBTI individuals and exploit them for bribes.

14. In Tajikistan, there is no direct criminalization of the LGBTI community; however, there is a practice of using Article 241 of the Criminal Code (Illegal production and circulation of pornographic materials or objects) as an article against LGBTI people. In some cases, law enforcement officers, without any court orders, conduct searches of victims' phones and, if they have photos and videos containing intimate scenes, bring charges under Article 241.

15. In 2025, a gay man was detained in Tajikistan. Authorities seized his phone and searched through his personal messages and photographs. After they found intimate photos, he was charged under Article 241[9].

16. In its replies, Tajikistan states that Article 94 of the Code of Criminal Procedure obliges the investigative authorities to draw up a record of arrest within three hours of a person's being conveyed to a criminal prosecution body[10]. However, almost all cases documented by ECOM demonstrate violations of this rule. Law enforcement officers detain LGBTI individuals for 5 to 10 hours without filing a report and arbitrarily search their phones. If LGBTI individuals do not have any intimate photos, or if they do and decide to pay a bribe, officers release them but force them to write a note stating that the officers treated them well, and the victims have no complaints against the police officers.

Article 2, paragraph 4 of the List of Issues

17. In its replies, Tajikistan informed the Committee of free legal aid available for vulnerable groups[11]. Such assistance is also essential for LGBTI individuals. To ensure accessibility, it is necessary to conduct sensitive training for lawyers on SOGI, HIV, and discrimination, with the inclusion of civic organizations in the process.

Article 2, paragraph 5 of the List of Issues

18. LGBTI people have limited access to complaints and investigation mechanisms for torture and ill-treatment. This is due to systemic discrimination and frequent cases of secondary victimization of LGBTI people when they report cases.

19. To eliminate torture against LGBTI people, strong, clear legislation prohibiting discrimination based on sexual orientation and gender identity is needed. Unfortunately, the law cited by the State party in its replies ("On Equality and the Elimination of All Forms of Discrimination",

[9] ECOM, Monitoring 2025, Tajikistan.

[10] CAT/C/TJK/RQ/4, paragraph 15.

[11] CAT/C/TJK/RQ/4, paragraph 24-38.

adopted in 2022) does not include SOGI as a protected ground from discrimination.[12] Despite the open list of grounds, there are no known cases of LGBTI people successfully appealing to the Ombudsman of Tajikistan.

20. Those responsible for reviewing torture complaints are also not trained to work with LGBTI people and do not undergo anti-stigma training. The Human Rights Commissioner's annual reports fail to systematically address issues of SOGI and structural discrimination against people living with HIV. Thus, the anti-discrimination mechanism remains formal and does not provide effective protection for vulnerable groups.

Article 2, paragraph 6 of the List of Issues

21. LGBTI people are vulnerable to domestic violence, whether from partners, relatives, parents, or siblings. In 2025, ECOM documented four cases of domestic violence against LGBTI individuals in Tajikistan. Cases of domestic violence include psychological, physical, and economic abuse, including being locked in homes or, conversely, being kicked out of homes.

22. Moreover, centers cited by the State Party in its replies are not designed for LGBTI domestic violence victims, and the staff of centers is not trained to provide sensitive assistance to LGBTI domestic violence victims[13].

Article 10, paragraph 12-13 of the List of Issues

23. In its replies[14] The State Party provides information on measures taken to raise gender awareness and develop a gender-sensitive approach in the justice system. Unfortunately, Tajikistan provides information only on training for judges, ignoring the Committee's question about training programs developed for and delivered to prosecutors, forensic doctors, and medical professionals dealing with detained persons on detecting and documenting the physical and psychological consequences of torture[15].

24. According to article 10 of the Convention against Torture, 'each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.' These materials should include questions on SOGI and HIV.

Article 11, paragraph 15 of the List of Issues

[12] CAT/C/TJK/RQ/4, paragraph 42.

[13] CAT/C/TJK/RQ/4, paragraph 51-53.

[14] CAT/C/TJK/RQ/4, paragraph 96-97

[15] CAT/C/TJK/Q/4, paragraph 13.

25. Tajikistan has a hierarchical prison subculture that is extremely negative towards LGBTI people. LGBTI prisoners are often victims of violence at the hands of cellmates and prison staff. Tajikistan's fourth periodic report and replies to the list of issues provide no information on what the State Party is doing to minimize the risk of torture for LGBTI prisoners.

26. Furthermore, transgender people who have not changed their gender marker may end up in prison with the opposite sex (for example, trans women in men's prisons). This creates a risk of violence, rape, and other forms of torture. Solitary confinement as an alternative is inhumane and can also be considered torture. In such cases, the state should consider alternative methods of punishment for transgender people and establish clear, simple procedures for changing gender markers more quickly.

Article 11, paragraph 16 of the List of Issues

27. Tajikistan shares information on systematic training and campaigns about HIV among prisoners and staff of the penitentiary system in its fourth periodic report.[16] At the same time, the Plenum of the Supreme Court of Tajikistan aimed at ensuring the uniform application of substantive and criminal procedural law related to HIV cases.[17] These are important steps to remove barriers that people living with HIV face.

28. However, cases documented by ECOM demonstrate that despite these positive aspects, people living with HIV remain direct targets for extortion by law enforcement officials, and the clarifications of the Supreme Court Plenum have not changed the widespread criminal prosecution of people living with HIV. According to Tajikistan, in 2022–2024, 171 criminal cases involving 171 persons were heard under Article 125 of the Criminal Code[18].

29. Article 125 of the Criminal Code of Tajikistan provides for criminal liability for infection and creating a threat of HIV infection. HIV criminalization increases stigma and creates a fear-inducing effect that limits access to testing and treatment. 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[19].

30. 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, law enforcement officers threatened a social worker who tests people for HIV and demanded that the person provide any names of people living with HIV.

---

[16] CAT/C/TJK/4, paragraph 57-65.

[17] 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/

[18] CAT/C/TJK/RQ/4, paragraph 184

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

31. Moreover, in one case registered by ECOM, a gay couple was summoned to the police station and forced to take an HIV test, with one partner testing positive and the other negative. The negative partner was pressured to file a complaint alleging that his partner had attempted to infect him with HIV. When he refused, he was threatened with concealment of a crime.

32. 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.

Article 16, paragraph 26 of the List of Issues

33. In the fourth periodic report[20], the state noted the cases of ill-treatment related to the army. The Committee asked to provide 'updated and detailed information on the number of non-combat deaths in the armed forces, as well as on hazing and other mistreatment of conscripts by officers and fellow soldiers, and the follow-up given to those cases, criminal and/or disciplinary sanctions imposed on offenders, and compensation and rehabilitation provided to victims and/or their families.' The government failed to respond to this request.

34. The army is one of the most unsafe places for LGBTI people, who can be subjected to bullying, violence, rape, and other forms of torture and inhumane treatment. ECOM registered a case in which a conscript was extorted under the threat of being sent to a place "where he would be unsafe."

Article 16, paragraph 27 of the List of Issues

35. In November 2023, the Tajik Minister of Justice announced that 700 NGOs in Tajikistan had been liquidated over 18 months. Human rights defenders working on so-called sensitive issues have been reportedly subjected to threats and intimidation. This crackdown has drawn international concern, with the UN Special Rapporteur on the situation of human rights defenders underscoring that the dissolution of human rights NGOs signals a deteriorating environment for civil society and human rights defenders in Tajikistan[21]. Moreover, in its replies, Tajikistan stated 'The judicial authorities have a policy of tolerance for any form of harassment, intimidation or stigmatization of lawyers, human rights defenders and representatives of media communities.'[22]

36. In 2025, another 29 public organizations in Tajikistan officially "voluntarily" ceased operations[23]. However, numerous reports indicate that this occurred under continued pressure

[20] CAT/C/TJK/4, paragraph 212-216.

[21] OHCHR: Tajikistan: UN expert criticises dissolution of 700 NGOs, March 2024. URL: https://www.ohchr.org/en/press-releases/2024/03/tajikistan-un-expert-criticises-dissolution-700-ngos

[22] CAT/C/TJK/RQ/4, paragraph 181.

[23] Post № 1170749798430955 / AsiaPlus. – URL: https://www.facebook.com/asiaplustj/posts/1170749798430955/

from the authorities. The reasons include intensified inspections by the Ministry of Justice and tax authorities, reporting requirements that are virtually impossible to meet within the required deadlines, and the threat of unscheduled inspections and lawsuits for non-compliance with statutory regulations.

37. For activists working on SOGI and HIV issues, this creates a particularly unsafe environment: the risk of arbitrary arrests and harsh sentences is compounded by a climate of fear and self-censorship, forcing organizations and individual activists to hide their activities and limit their human rights work to avoid pressure from the authorities.

Article 16, paragraph 28 of the List of Issues

38. The Committee asks Tajikistan to provide information on 'any steps taken by the State Party to publicly condemn, investigate and prosecute, where necessary, acts of torture and other types of abuse against individuals on the basis of their actual or perceived sexual orientation or gender identity, and to explicitly criminalize hate crime and hate speech, and provide details on the collection of data on investigations, prosecutions and convictions in these cases during the reporting period.'

39. In its replies, Tajikistan stated that there are no such registered cases.[24] 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[25]. Tajikistan's claim of an absence of such cases is false, but it merely demonstrates the need for legislative amendments, improved data collection, and the creation of safe complaint mechanisms for LGBTI people.

40. In 2025 alone, ECOM registered 15 cases of torture against LGBTI people in Tajikistan, 22 cases of unlawful detention, 3 cases of discrimination, 2 cases of forced HIV testing, and 1 case of hate speech in public space. In 66% of cases, the perpetrators were police officers.

41. The data collected for this report demonstrates the urgent need for serious changes to prevent torture against LGBTI people. To this end, Tajikistan should:

42. Adopt a clear and non-discriminatory administrative procedure for legal gender recognition based on the principle of self-determination and ICD-11 standards.
43. Stop using Article 241 of the Criminal Code against LGBTI people in cases where they have intimate videos and photos on their personal devices or in their personal correspondence.
44. 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.

[24] CAT/C/TJK/RQ/4, paragraph 183.

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

45. Prohibit compulsory HIV testing and ensure medical confidentiality.
46. Amend the Law on Equality to explicitly include SOGI as a protected ground.
47. Conduct training and sensitization on SOGI for lawyers, judges, employees of shelters, penitentiaries, and medical systems, as well as police officers.
48. Include explicit guarantees for LGBTI people in the domestic violence prevention law, recognize the “right to sexual autonomy,” and provide for protective orders and access to shelters without discrimination.
49. Introduce provisions on hate crimes, hate speech, including SOGI as a motive.
50. Ensure effective investigation of abuses by law enforcement officials.
51. Expand the Ombudsman's mandate to systematically monitor violations of the rights of LGBTI people and people living with HIV.
52. Conduct systematic work in the penitentiary system to prevent torture of LGBTI prisoners.
53. Introduce guidelines for government agencies on non-discriminatory treatment of LGBTI people and prohibit outing.