UPR PRE-SESSION ON TAJIKISTAN

This statement addresses gender stereotypes and harmful practices, the criminal law on gender-based violence, and access to justice for survivors.

Gender stereotypes and harmful practices

Tajikistan was recommended by Member States to:

123.221 Criminalize child, early and forced marriage as a distinct offence in national legislation, in line with international standards, and provide ongoing support to victims (UK). Reply: Tajikistan accepts this recommendation and believes that it has already been carried out.

123.206 Continue efforts to promote gender equality and combat all forms of discrimination against women and gender stereotypes (Tunisia). Reply: Tajikistan accepts this recommendation.

123.209 Eliminate, in the field of education, unfavourable stereotypes and other obstacles which hinder the access of women and girls to education and which are at the root of the premature abandonment of education, in particular among girls (Luxembourg). Reply: Tajikistan accepts this recommendation.

123.223 Conduct awareness campaigns on the harmful effects of child, early, forced and unregistered marriages (Burkina Faso). Reply: Tajikistan accepts this recommendation.

Developments

Since 2021, Tajikistan has adopted the Law on Equality and the Elimination of All Forms of Discrimination in 2022. The law does not explicitly criminalize forced marriages. Discriminatory gender norms remain deeply rooted and violence against women remains normalised. From 2018 to 2022, Tajik courts handled 14,625 family cases related to lowering the marriage age, with 14,478 applications granted and only 147 denied.

However, in practice, cultural attitudes, especially in rural areas where 70 per cent of the population resides, further serve to restrict women's autonomy. In these areas, women are often subject to stringent controls by family members. Official State data shows that only 23 per cent of women who experienced physical or sexual violence sought assistance to stop the abuse. Nearly 50 per cent also considered violence against women to be a "private matter" for families to address, a view reportedly shared by many within the police force.

The CEDAW Committee, in February 2024, expressed concern at the absence of a comprehensive strategy to eliminate deeply entrenched patriarchal and discriminatory stereotypes and the persistence of harmful practices such as early and forced marriages.

Harmful practices persist in law as well as in practice. The marriage age can be reduced by one year, provided both parties request it, and the court approves the reduction. The law does not explicitly criminalize forced marriages or forced cohabitation. And it does not criminalize the conclusion of a marriage with a child through a religious rite, nor does it cover cohabitation with a child where the union is not officially registered. The CEDAW Committee has expressed concern over the increase in polygamous marriages in Tajikistan, despite their legal prohibition. Civil society organizations estimate that up to 10 per cent of men engage in polygamous unions, often with underage girls.

States should recommend that Tajikistan

- Adopt and implement a comprehensive national strategy to eradicate gender stereotypes and patriarchal attitudes towards women and girls, particularly the dominant perception of women's subordinate role in the family and society.
- Amend the Family Code to eliminate all exceptions to the minimum marriage age and ensure that marriage is legally permitted only from age 18 for all, without exceptions.
- Require mandatory civil registration of all marriages, including through a legal prohibition on conducting nikokh without proof of civil registration.

Gender-based violence

The previous review

Tajikistan supported nine recommendations naming domestic violence. Among them, 123.118 Classify domestic violence as an autonomous crime (Spain). Reply: Tajikistan accepts this recommendation.

123.50 Introduce legislation to criminalize all forms of gender-based violence, including domestic violence, marital rape and sexual assault within and outside marriage, and ensure that this legislation is enforced (Norway). Reply: Tajikistan accepts this recommendation.

123.64 Criminalize all forms of gender-based violence, including domestic violence, marital rape and sexual assault within and outside marriage, by introducing a specific provision in the Penal Code (Belgium). Reply: Tajikistan accepts this recommendation.

123.62 Prioritize the enactment of the draft of the new Criminal Code which aims to criminalize domestic violence (Bahamas). Reply: Tajikistan accepts this recommendation.

123.74 Implement fully the law on the prevention of domestic violence and criminalize domestic violence (Estonia). Reply: Tajikistan accepts this recommendation and will work actively in this regard.

Developments

None of these has been improved in the criminal law. The State Programme to Prevent Domestic Violence for 2025-2030 was adopted in December 2024. The Mid-term Development Programme for 2021-2025 included a target to criminalize violence within the family by the end of 2023, but this has not so far been realized. In the absence of a separate criminal offence, domestic violence cases are instead prosecuted under general provisions of the Criminal Code, and the Criminal Code does not explicitly criminalize marital rape. Tajikistan not adopted a consent-based definition of rape, or any provision on sexual harassment or online violence.

States should recommend that Tajikistan

- Explicitly provide for domestic violence as a specific stand-alone offence in the Criminal Code.
- Provide expressly for marital rape as a criminal offence, ensuring the provision applies to all forms of unions, not only officially registered marriages.
- Reform the definition of rape to adopt a consent-based approach, applicable regardless of the gender of the survivor or the perpetrator.
- Introduce a dedicated Criminal Code provision addressing certain forms and expressions of sexual harassment, including in the workplace and public spaces.
- Adopt comprehensive legislation explicitly defining and criminalizing online GBV.

Access to justice for women survivors

The previous review

Tajikistan supported recommendations to 123.207 Ensure access for all women and girls to an effective, confidential and gender-sensitive complaint mechanism (Lithuania). Reply: Tajikistan accepts this recommendation.

123.114 Criminalize domestic and intimate partner violence, generate statistics on this matter, establish shelters for victims, and provide them with legal, medical and psychosocial assistance (Mexico). Reply: Tajikistan accepts this recommendation.

123.138 Take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, especially women defenders, free from persecution, intimidation and harassment (Latvia). Reply: Tajikistan accepts this recommendation.

Developments

These recommendations have not been implemented. Violence against women is still widely considered a private matter, best resolved through family "reconciliation" rather than accountability of perpetrators and protection of survivors. The police often pursue informal resolution through couples counselling or mediation, failing to inform survivors about protective measures or legal remedies.
The legislation often includes burdensome procedural requirements frequently shifting the responsibility of initiating prosecutions and gathering evidence onto survivors. This reliance on private prosecution and the

demand for forensic proof of physical injury exclude many survivors of physical, psychological and other abuse from legal protection. Survivors of GBV are excluded from the categories of persons entitled to free legal aid.

Proof of injury can only be shown through an official forensic medical report. Such reports are free if survivors are referred for such examination by the police. In the absence of such a referral, survivors are required to pay for the examinations themselves.

Tajikistan has five shelters for survivors of domestic violence and human trafficking, most operated by NGOs and relying on project-based funding. The only State-funded facility, the Republican Centre for Social Services for Victims of Human Trafficking and Domestic Violence, was established in August 2021 by the Ministry of Health and Social Protection. This centre has a capacity of 25 beds.

States should recommend that Tajikistan

- Amend the Criminal Code and the Code of Criminal Procedure to ensure all forms of GBV, including those causing physical harm, which legislation qualifies as "minor", are subject to State-led prosecution.
- Amend the Law on Legal Aid to explicitly include GBV survivors (including children) as eligible for free legal aid.
- Ensure equal access to free forensic and medical examinations for all survivors of GBV, regardless of police referral.
- Prohibit forced mediation or "reconciliation" in GBV cases.
- Allocate a permanent State budget for shelters, legal aid, and psychosocial services for all GBV survivors, reducing reliance on donors.