HUMAN RIGHTS IN TAJIKISTAN

UPR Info Pre-sessions

Situation in Tajikistan – Issue 1. Criminalization of all forms of domestic and gender-based violence

- **Implementation of previous recommendation**

During the third UPR cycle, the Government supported recommendations to criminalize domestic violence as a separate offence. Norway (123.50), Belgium (123.64), Czechia (123.70), Denmark (123.71), Estonia (123.74), Cyprus (123.97), Iceland (123.99), Mexico (123.114), Portugal (123.117), Chile (123.212). This commitment was reflected in the Mid-term Development Programme for 2021–2025 and the draft new Criminal Code. However, recommendations on criminalization remain only partially implemented because the new Criminal Code has not been adopted. Domestic violence continues to be addressed primarily through administrative liability or general criminal provisions.

- **New developments**

Tajikistan has strengthened its legal framework through the Law on Prevention of Family Violence and legislation regarding equality and non-discrimination - Law on Equality and Elimination of All Forms of Discrimination.

Situation in Tajikistan – Issue 1. Criminalization of all forms of domestic and gender-based violence

➢**New needs**

Family violence is largely addressed through a gender-neutral framework, despite having a disproportionate impact on women. Forms of gender-based violence such as marital rape, sexual harassment, online violence, economic violence, and coercive or controlling behavior are inadequately addressed.

Provisions on sexual violence focus heavily on the use or threat of force, rather than the absence of free and voluntary consent.

Recommendations – Issue 1

- Adopt comprehensive criminal legislation criminalising domestic violence as a distinct offence, covering physical, psychological, sexual and economic violence, as well as coercive and controlling behaviour, including in former and non-marital intimate relationships.

- Bring criminal law provisions on sexual violence into line with international human rights standards, including by defining rape based on the absence of free and voluntary consent, rather than requiring proof of force or threat of force, and explicitly criminalising marital rape and sexual harassment.

- Strengthen protection against online and technology-facilitated gender-based violence, and establish a mandatory and continuous training system for judges, prosecutors and law-enforcement officials on survivor-centred investigation and prevention of secondary victimisation.

Situation in Country X – Issue 2. Including Survivors of Domestic and Gender-Based Violence in the State Secondary Free Legal Aid System

- **Implementation of previous recommendation**

In response to the 3rd UPR cycle, general recommendations regarding the establishment of complaint mechanisms and the provision of legal and other assistance to victims (recommendations 123.24, 123.61, 123.134, 123.135, 123.114, and 123.207) were incorporated into the National Action Plan for 2023–2026. Furthermore, the Government has committed to addressing current protection gaps by actively studying the inclusion of these survivors in the list of eligible recipients for secondary free legal aid.

Situation in Country X – Issue 2. Including Survivors of Domestic and Gender-Based Violence in the State Secondary Free Legal Aid System

➢**New developments**

- Since January 2025, the State has expanded secondary free legal aid to civil and administrative cases. While domestic violence survivors are pending inclusion as a specific legal category, many already access State-funded lawyers by qualifying under the "low-income/vulnerable" socio-economic criteria.
- The State Agency for Legal Aid has significantly expanded its regional presence and hotlines. This robust infrastructure now serves as a highly effective entry point for survivors to receive primary aid and referrals for secondary representation.
- The National Action Plan for the Implementation of the UPR Recommendations (Third Cycle) for 2023–2026 includes a specific measure to extend free secondary legal aid to survivors of domestic violence. However, the 2025 civil society assessment of the Plan found that this measure had not yet been implemented.

➢**New needs**

Survivors of GBV, including children subjected to sexual violence, are not explicitly guaranteed State-funded secondary legal aid and qualified legal representation under the 2020 Law on Legal Aid. Access is further constrained by shortages of lawyers, particularly women lawyers in rural areas. Women make up only 27 per cent of lawyers nationally and just 10 per cent in Khatlon, while in some parts of the Districts of Republican Subordination and GBAO there are very few or no women lawyers. In the reviewed criminal cases, survivors had lawyers mainly in sexual violence cases and largely with NGO support.

Recommendations – Issue 2. Including Survivors of Domestic and Gender-Based Violence in the State Secondary Free Legal Aid System

- Amend the Law on Legal Aid to guarantee State-funded secondary legal aid and qualified legal representation to all survivors of gender-based violence, including child survivors of sexual violence, and take measures to improve access to lawyers in the regions, particularly women lawyers.

Thank you

From all the members of our Coalition for the Protection of Vulnerable Groups in Tajikistan

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