ANNEX 3: STATEMENT
UPR Pre-session on TAJIKISTAN
Geneva, Geneva, 26 August 2026

Delivered by: Public Organisation (NGO) "Right and Prosperity" (Tajikistan)

1- Presentation of the Organisation

This statement is delivered on behalf of the Public Organisation "Right and Prosperity", a Tajik civil society organisation working to protect human rights and strengthen access to justice through legal aid, research, legal representation and advocacy, with particular attention to women, children and other vulnerable groups.

2- National consultations for the drafting of the national report

National consultations for Tajikistan's fourth-cycle UPR national report were held in different regions with the participation of State institutions and civil society organisations. Civil society organisations were given an opportunity to present comments and recommendations for consideration in the national reporting process.

3- Plan of the Statement

This statement addresses two issues: (1) the criminalisation of gender-based violence and the adequacy of legal protection, with a particular focus on domestic violence; and (2) access to justice and State-funded legal aid for survivors of gender-based violence.

4- Statement

A. Follow-up to the previous review

During Tajikistan's third UPR cycle, the Government supported recommendations to criminalise domestic violence. This commitment was also reflected in the Medium-Term Development Programme of the Republic of Tajikistan for 2021–2025, which envisaged introducing criminal liability for violence against family members, as well as in the draft new Criminal Code, which included a separate offence of domestic violence.

However, the new Criminal Code has not been adopted, and domestic violence continues to be addressed mainly through administrative liability or general criminal provisions. The commitment to criminalise domestic violence as a distinct offence remains unimplemented.

Tajikistan has also established a State legal aid system under the 2020 Law on Legal Aid. However, survivors of gender-based violence are not explicitly guaranteed State-funded secondary legal aid and legal representation.

B. Developments and remaining gaps

Tajikistan has strengthened its legal framework through the Law on Prevention of Family Violence and legislation on equality and non-discrimination. Nevertheless, significant gaps remain.

According to the 2023 Tajikistan Demographic and Health Survey, 16 per cent of women who had ever had a husband or intimate partner reported physical, sexual or emotional violence by their current or most recent partner. According to a 2025 review conducted by Right and Prosperity of criminal and administrative cases involving family and sexual violence, 71 per cent of the 45 selected criminal cases involving family violence concerned intimate partner violence.

In its 31 July 2026 follow-up assessment, the CEDAW Committee found that marital rape, sexual harassment and online violence remain uncriminalised, while psychological and economic violence and coercive control are excluded from the revised draft domestic-violence offence. Rape remains defined around the use or threat of force rather than the absence of free and voluntary consent, and criminal procedure lacks specific safeguards for survivors of gender-based violence.

Primary legal aid is guaranteed to all, but practical access remains uneven, particularly in rural and remote areas. Survivors of GBV are not explicitly guaranteed State-funded secondary legal aid and legal representation. Women survivors of domestic violence face an additional barrier due to the shortage of lawyers, particularly women lawyers, who make up only 27 per cent of lawyers nationally and 10 per cent in Khatlon. In practice, access to representation remains very limited: in the criminal cases reviewed by our research, survivors had lawyers in only two cases during investigation and 11 cases during trial, largely with NGO support..

C. Recommendations

- 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.

- 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.

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