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**OBSERVATIONS OF THE INTERNATIONAL COMMISSION OF JURISTS AND RIGHT AND PROSPERITY AHEAD OF THE UNIVERSAL PERIODIC REVIEW OF TAJKISTAN**

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## Introduction:

The International Commission of Jurists (ICJ) and Right and Prosperity (RP) submit this contribution to the Human Rights Council's (HRC) Universal Periodic Review (UPR) of Tajikistan.<sup>1</sup> This submission addresses gender-based violence (GBV) and access to justice for women survivors, drawing on findings from a joint the ICJ mission report *Nowhere to Go: Access to Justice for Women Survivors of Gender-Based Violence in Tajikistan* (December 2025)<sup>2</sup> and ICJ mission to Tajikistan in September 2024.<sup>3</sup>

During Tajikistan's previous UPR cycle, several States recommended that Tajikistan strengthen its legal framework to address violence against women, ensure effective investigation and prosecution of such violence, provide adequate support services for survivors, and bring domestic legislation into conformity with its international obligations.<sup>4</sup>

## Structural barriers and harmful practices

1. Despite formal legal commitments to equality, patriarchal norms and gender stereotypes remain deeply entrenched in Tajikistan,<sup>5</sup> especially in rural areas where 70 per cent of the population resides.<sup>6</sup> Women are often subject to controls by family members, who may prevent them from leaving home or accessing services or technology<sup>7</sup> without permission.<sup>8</sup> Married women are expected to move into the husband's family home, increasing social isolation and control within the household.<sup>9</sup> Strong cultural taboos surrounding divorce, which is often regarded as a source of family shame deter women from leaving abusive relationships.<sup>10</sup> Divorced women frequently experience harassment,<sup>11</sup> social exclusion, reduced employment opportunities and access to housing.<sup>12</sup> These attitudes create substantial barriers to women's and girls' access to education

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<sup>1</sup> Taking into consideration the Member State recommendations from the UNGA, Report of the Working Group on the Universal Periodic Review, A/HRC/49/12 (2022) paras. 47, 50, 55, 62, 114, 93, 138, 206, 211, 99, 116, 212, 70, 66, 92, 221.

<sup>2</sup> ICJ, *Nowhere to Go: Access to Justice for Women Survivors of Gender-Based Violence in Tajikistan* (December 2025) (ICJ, *Nowhere to Go* (2025)).

<sup>3</sup> ICJ. 2024. Tajikistan: ICJ concludes mission on access to justice for women survivors of gender-based violence. The mission was undertaken in collaboration with the OHCHR Regional Office for Central Asia (ROCA).

<sup>4</sup> Report of the Working Group on the Universal Periodic Review: Tajikistan, A/HRC/49/12 (2022), paras. 47, 50, 55, 62, 66, 70, 92, 93, 99, 114, 116, 138, 206, 211, 212, 221.

<sup>5</sup> Constitution of the Republic of Tajikistan, 6 November 1994 (with amendments and additions as of 22 May 2016), art. 17; Law of the Republic of Tajikistan On the State Guarantees of Equality between Men and Women and Equal Opportunities for Their Implementation of March 1, 2005, No. 89 (with amendments from 24 December 2022), art. 5.

<sup>6</sup> ICJ, *Nowhere to Go* (2025) p. 5.

<sup>7</sup> Based on a stakeholder meeting held on 16 September 2024 during the ICJ mission to Tajikistan.

<sup>8</sup> *Ibid.*

<sup>9</sup> ICJ, *Nowhere to Go* (2025) pp. 5 and 6.

<sup>10</sup> ICJ, *Nowhere to Go* (2025) p. 41; IPHR, 2024, p. 24.

<sup>11</sup> Gulrukhsor. Submission to CEDAW, Pre-Sessional Working Group for the 87th session INT\_CEDAW\_ICO\_TJK\_52293\_E (11 April 2023), p. 5.

<sup>12</sup> *Ibid.*

and economic independence, severely affecting their quality of life,<sup>13</sup> and significantly contribute to domestic violence and other forms of GBV.<sup>14</sup>

2. Despite the legal age of marriage of 18, legal exceptions allow early (child) marriages.<sup>15</sup> By the request of the marriage parties and the approval of the court, the marriage age can be reduced by one year.<sup>16</sup> From 2018 to 2022, courts handled 14,625 family cases related to lowering the marriage age, with 14,478 applications granted and only 147 denied.<sup>17</sup> This suggests that the use of this provision to allow children, predominantly girls, to marry is a routine rather than an exception. Parents seeking to marry off daughters early have been reported to falsify their birth certificates.<sup>18</sup> The absence of mandatory civil registration before religious ceremonies enables the continuation of unregistered unions without legal status or protection.<sup>19</sup>
3. Unregistered religious ceremonies are also commonly used to conduct early marriages, which, although not legally recognized, often result in girls being placed under the effective control of their husband's family.<sup>20</sup> Polygamous marriages, while criminalised by Tajik law,<sup>21</sup> has increased in recent years.<sup>22</sup> The prohibition of polygamy prevents the registration of such marriages. Marriages such as these, especially when concerning second or subsequent wives in polygamous union, leave these women without legal status, protection or rights to property, inheritance, or custody if the relationship ends.<sup>23</sup> Children from unofficial marriages are similarly deprived of legal safeguards and often face deep social stigma, growing up in an environment shaped by societal prejudice.<sup>24</sup>

#### **Gender Based Violence and Access to Justice:**

4. The legal framework of Tajikistan is not fully compliant with the State's international legal obligations. Some forms and expressions of GBV are either unrecognized or inadequately

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<sup>13</sup> Ozan Sevimli and Alisher Rajabov. 2022. *Working towards gender equality in Tajikistan's labor market*. [blogs.worldbank.org/en/europeandcentralasia/working-towards-gender-equality-tajikistans-labor-market](https://blogs.worldbank.org/en/europeandcentralasia/working-towards-gender-equality-tajikistans-labor-market) 20 March 2026.

<sup>14</sup> Mia Tarp Nurmagambetova. 2024. *Tajikistan's Epidemic of Domestic Violence Against Women*. [thediplomat.com/2024/03/tajikistans-epidemic-of-domestic-violence-against-women/](https://thediplomat.com/2024/03/tajikistans-epidemic-of-domestic-violence-against-women/) accessed 20 March 2026.

<sup>15</sup> 241 Family Code of the Republic of Tajikistan, adopted on 13 November 1998 (as amended on 3 January 2024) (Family Code), arts. 12(1), 13(1) 13(2).

<sup>16</sup> *Ibid.*, art. 13(2).

<sup>17</sup> Replies of Tajikistan to the list of issues and questions in relation to its seventh periodic report, CEDAW/C/TJK/RQ/7 (1 November 2023) para. 209.

<sup>18</sup> Information on Tajikistan for consideration by the Committee on the Elimination of Discrimination against Women at its 87th Session (29 January - 16 February 2024) INT\_CEDAW\_CSS\_TJK\_56925\_E (20 December 2023), para. 26.

<sup>19</sup> ICJ, *Nowhere to Go* (2025) pp. 23-25.

<sup>20</sup> IPHR, 2024, p. 22.

<sup>21</sup> Criminal Code, art. 170.

<sup>22</sup> Human Rights Watch. 2019. *"Violence With Every Step" Weak State Response to Domestic Violence in Tajikistan*. (HRW, 2019) [www.hrw.org/report/2019/09/19/violence-every-step/weak-state-response-domestic-violence-tajikistan](https://www.hrw.org/report/2019/09/19/violence-every-step/weak-state-response-domestic-violence-tajikistan) accessed 20 March 2026.

<sup>23</sup> *Ibid.*, p. 76.

<sup>24</sup> Asia Plus, 2024. *Polygamy in Tajikistan as a way of women's survival*. [asiaplustj.info/en/news/tajikistan/society/20240626/polygamy-in-tajikistan-as-a-way-of-womens-survival](https://asiaplustj.info/en/news/tajikistan/society/20240626/polygamy-in-tajikistan-as-a-way-of-womens-survival) accessed 20 March 2026.

addressed, resulting in insufficient accountability for perpetrators. Notably, domestic violence, marital rape, sexual harassment, and online violence are not explicitly criminalized.<sup>25</sup> Harmful practices, including forced and early marriage, also remain inadequately addressed and insufficiently enforced. Significant deficiencies also persist in procedural frameworks governing the handling of GBV cases, further undermining access to justice.

5. A draft Criminal Code introduced in 2023, includes, for the first time, a provision on domestic violence.<sup>26</sup> While this represents a positive development, the draft remains unadopted, without clear timeline adoption, suggesting further delays in legal reform and implementation. Moreover, the draft provision remains inadequate. It limits its application to family members, excluding informal or former partners, and focuses narrowly on physical harm resulting in “minor injury,” failing to capture internationally recognised dimensions of domestic violence, such as psychological violence, coercive control and economic abuse.<sup>27</sup>
6. The regulation of sexual violence within the legal framework also remains flawed. Existing provisions rely on outdated definitions that limit the scope of criminal liability and fail to reflect international standards on consent. The Criminal Code criminalizes coercive sexual acts, including “compulsion of a person to sexual intercourse, sodomy, lesbianism or other actions of a sexual character” through threats, blackmail, or abuse of dependency.<sup>28</sup> The reference to “sodomy” and “lesbianism” in the law is inappropriate, discriminatory and stigmatizes LGBTQI+.<sup>29</sup> While non-consensual same-sex sexual conduct already falls under the scope of coercive sexual conduct, the provision shifts the focus of criminalisation from the violation of sexual autonomy to the sexual orientation of the persons involved.<sup>30</sup>
7. The primary legal instrument addressing domestic violence, the Law on the Prevention of Domestic Violence, provides only for administrative liability.<sup>31</sup> It establishes administrative sanctions<sup>32</sup> for non-criminal forms of domestic violence, such as intentional physical, psychological, or economic abuse or threats within family relationships<sup>33</sup> and another for violations of protective orders.<sup>34</sup> Penalties consist mainly of minimal fines or short-term administrative detention. This reliance on administrative law is not appropriate for conduct that should fall within the scope of criminal law, and<sup>35</sup> The penalties are unlikely to carry a significant deterrent such behaviour, especially given the absence of increased penalties for repeat violations.<sup>36</sup>
8. While the legal framework provides for protective orders, their implementation remains weak. Monitoring mechanisms are limited, and the duration of such orders is often insufficient. The law also fails to include several key protective measures recognized under international standards. In addition, the law does not clearly empower police or judicial authorities to issue emergency

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<sup>25</sup> CEDAW Committee, Concluding observations on the seventh periodic report of Tajikistan, CEDAW/C/TJK/CO/7, 19 February 2024, para. 36.

<sup>26</sup> CEDAW Seventh periodic report submitted by Tajikistan under Article 18 of the Convention, due in 2022 CEDAW/C/TJK/7 (12 December 2022), para. 121.

<sup>27</sup> ICJ, *Nowhere to Go: Access to Justice for Women Survivors of Gender-Based Violence in Tajikistan* (December 2025) (ICJ, *Nowhere to Go* (2025)) p. 16.

<sup>28</sup> Criminal Code of the Republic of Tajikistan No. 574 of May 21, 1998 (Criminal Code) article 140.

<sup>29</sup> ICJ, *Nowhere to Go* (2025) p. 29.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*, p. 15.

<sup>32</sup> Code of Administrative Offences, No. 455, 31 December 2008 (Code of Administrative Offences).

<sup>33</sup> *Ibid.*, article 93(1).

<sup>34</sup> *Ibid.*, art. 93(2).

<sup>35</sup> UN Women. 2012. *Handbook for Legislation on Violence against Women*, p. 50.

<sup>36</sup> ICJ, *Nowhere to Go* (2025) p. 17.

barring orders. Survivors face significant practical barriers, including delays, high court fees and systemic lack of access to alternative shelter, particularly in rural areas.

9. The Code of Criminal Procedure does not contain any special procedural provisions for survivors of GBV for the investigative or legal proceedings.<sup>37</sup> Survivors of domestic violence often face significant procedural burdens: those who do not sustain “serious bodily injury” are required to initiate private prosecutions.<sup>38</sup> This includes drafting legally compliant complaints, collection of preliminary evidence and identification of witnesses. The reliance on private prosecution and the demand for forensic proof of physical injury excludes many survivors of psychological, economic, and coercive abuse from legal protection.
10. The burden of investigative proceedings is compounded by restrictive and ambiguous legal definitions of harm. Only “serious bodily injuries” are subject to prosecution by the State,<sup>39</sup> which excludes psychological harm.<sup>40</sup> “Light bodily harm” is classified as harm requiring fewer than 21 days to recover and is not consistently recognised as prosecutable.<sup>41</sup> In addition, survivors frequently must pay for forensic medical reports themselves, creating a financial barrier that prevents many from accessing justice.<sup>42</sup> The absence of female medical professionals creates additional substantial obstacles,<sup>43</sup> as forensic medical examinations are reported to typically be intrusive and traumatizing, particularly when conducted by male experts.<sup>44</sup>
11. Institutional responses to GBV remain inconsistent. In all institutions, including the judiciary and police force, women are underrepresented, limiting their ability to influence and address issues such as domestic violence.<sup>45</sup> Law enforcement institutions lack the capacity and resources, and officials often lack the training to proactively investigate cases, leaving survivors to shoulder the burden of proof.<sup>46</sup><sup>47</sup> The shortage of female officers is attributed to poor working conditions, with inspectors working 24-hour shifts and lacking basic facilities like showers and sleeping areas, discouraging women from taking on these roles<sup>48</sup><sup>49</sup>
12. Where cases reach the courts, they are often settled informally or dismissed due to lack of evidence.<sup>50</sup> Police officers, prosecutors and judges often lack training in gender-sensitive approaches, with survivors of GBV frequently being blamed, pressured to reconcile with abusers or discouraged from pursuing formal complaints. The legal system fails to offer sufficient support

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<sup>37</sup> *Ibid.*, p. 37.

<sup>38</sup> International Partnership for Human Rights (IHDR), *Nota Bene, Vash Vybor (Your Choice), and Legal Initiative, When I Got Married, I Lost My Voice* (2024) (IHDR, 2024), p. 12. [iphonline.org/articles/when-i-got-married-i-lost-my-life-report-on-domestic-violence-in-tajikistan/](https://iphonline.org/articles/when-i-got-married-i-lost-my-life-report-on-domestic-violence-in-tajikistan/) accessed 20 March 2026.

<sup>39</sup> Code of Criminal Procedure of the Republic of Tajikistan dated 3 December 2009 (as amended and supplemented as of 3 January 2024) (Code of Criminal Procedure), art. 24

<sup>40</sup> ICJ, *Nowhere to Go* (2025) p. 41.

<sup>41</sup> *Ibid.*, p. 40.

<sup>42</sup> *Ibid.*

<sup>43</sup> Based on a stakeholder meeting held on 16 September 2024 during the ICJ mission to Tajikistan.

<sup>44</sup> Equality Now. *Information on Tajikistan for consideration by the Committee on the Elimination of Discrimination against Women at its 87th Session (29 January - 16 February 2024)* INT\_CEDAW\_CSS\_TJK\_56925\_E (20 December 2023), para. 20.

<sup>45</sup> See for example, ICJ, *Nowhere to Go* (2025) pp. 8 and 39.

<sup>46</sup> *Ibid.*, p. 37.

<sup>47</sup> Based on a stakeholder meeting held on 16 September 2024 during the ICJ mission to Tajikistan.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> ICJ, *Nowhere to Go* (2025) p. 36.

for GBV survivors; judicial bias and lack of gender-sensitivity pose a significant barrier to ensuring access to justice, reinforcing impunity for perpetrators.<sup>51</sup>

13. The policies and practices of the justice system often serve to re-traumatize women by requiring invasive procedures, public testimony, or investigative experiments that disregard their dignity and well-being.<sup>52</sup> Protective measures such as courtroom partitions are left to the discretion of the judge and rarely implemented, often subjecting survivors to direct questioning by the accused.<sup>53</sup>
14. Violence against women is still widely treated as a private issue, often addressed through family “reconciliation” rather than holding perpetrators accountable or protecting survivors.<sup>54</sup> This culture of silence combined with weak law enforcement and a lack of survivor-centred procedures leads to low reporting rates and widespread mistrust in authorities.<sup>55</sup> Legal aid providers, appointed by judges rather than chosen by survivors, also often prioritise reconciliation over survivor safety and needs.<sup>56</sup> Similarly, judges tend to encourage reconciliation instead of prosecution, advising survivors to prioritise “family unity”.<sup>57</sup>
15. For GBV survivors with disabilities, a lack of access to justice is systemic as women with disabilities, particularly those with psychosocial disabilities, report violence even less frequently, as they are less likely to be believed.<sup>58</sup> Physical access to court buildings is largely impossible.<sup>59</sup>
16. Access to protection and support services remains very limited for survivors of GBV. The 2020 Legal Aid Law established a national system for legal aid which identifies specific vulnerable groups entitled to free legal assistance.<sup>60</sup> This does not include GBV survivors.<sup>61</sup> Survivors of GBV are rarely able to access State-funded court representation, as it is mainly limited to suspects or defendants in criminal cases.<sup>62</sup> This creates an imbalance between perpetrators who are more likely to have representation for both investigation and trial stages.<sup>63</sup>
17. Despite a legal requirement for temporary shelters,<sup>64</sup> Tajikistan lacks sufficient facilities as only three to five NGO-run shelters operate nationwide, many facing severe funding shortages that have led to closures, such as the Bokhtar shelter.<sup>65</sup> The only State-funded facility, the Republican Centre for Social Services for Victims of Human Trafficking and Domestic Violence, opened in 2021 with just 25 beds, serving both trafficking and domestic violence survivors.<sup>66</sup> The few shelters and psychosocial services that exist are predominantly funded and managed by civil society organizations or international donors, with minimal State contribution.<sup>67</sup>

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<sup>51</sup> *Ibid.*, p. 41.

<sup>52</sup> See *ibid.*, pp. 37, 38, 40 and 42.

<sup>53</sup> *Ibid.*, p. 42.

<sup>54</sup> *Ibid.*, pp. 37, 39, 41, 44, 53.

<sup>55</sup> *Ibid.*, p. 53.

<sup>56</sup> *Ibid.*, p. 43.

<sup>57</sup> IPHR, 2024, p. 11.

<sup>58</sup> Based on a stakeholder meeting held on 17 September 2024 during the ICJ mission to Tajikistan.

<sup>59</sup> *Ibid.*

<sup>60</sup> Legal Aid Act No. 1694, 4 July 2020, arts. 22-23.

<sup>61</sup> ICJ, *Nowhere to Go* (2025) p. 44.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*, p. 43.

<sup>64</sup> Act on the prevention of domestic violence, No. 954, 19 March 2013, art. 16.

<sup>65</sup> IPHR, 2024, p.19.

<sup>66</sup> *Ibid.*, p. 4.

<sup>67</sup> ICJ, *Nowhere to Go* (2025) pp. 45 and 46.

18. Women with disabilities and those living with HIV face additional barriers to accessing support, including discrimination and physical inaccessibility.<sup>68</sup> The continued criminalization of HIV transmission further deters women from seeking support, despite advances in treatment that have reduced transmission risk to negligible levels.<sup>69</sup> This should not be the case; criminal law should be limited to proven cases of intentional transmission, based on scientific and medical evidence.
19. Human rights defenders, lawyers, journalists, and civil society organizations whose work addresses GBV face obstacles that impede monitoring, legal assistance, and other engagement, weakening access to justice for survivors and public oversight.<sup>70</sup>
20. Political interference, corruption, and structural dependence on the executive branch continue to undermine the impartiality of judicial proceedings, posing a significant barrier to justice for survivors of GBV.<sup>71</sup> Judges are discouraged from engaging with international law, despite the State being party to the principal human rights treaties, including the CEDAW.<sup>72</sup>

### **Recommendations**

The ICJ and RP calls upon the WG and the HRC to recommend to the authorities of Tajikistan the following:

- Reform the legal framework to bring laws and practices into conformity with international human rights obligations including CEDAW, ICCPR, CRC, and relevant General Recommendations, and ensure key standards are translated into local languages and publicly accessible.
- Explicitly provide for domestic violence as a specific criminal offence in the Criminal Code, provide for marital rape as a criminal offence applicable to all forms of union; adopt a consent-based definition of rape; introduce dedicated provisions on sexual harassment and online GBV; and remove discriminatory and stigmatising terminology, including “sodomy” and “lesbianism,” from the Criminal Code.
- Broaden the scope of protective orders to include no-contact and distance requirements and allow survivors to extend protective orders beyond 60 days, based on risk assessment and introduce effective monitoring and enforcement mechanisms with clear penalties for violations.
- Criminalize all forms of forced marriage and cohabitation, including religious or informal arrangements, and effectively enforce this provision. Require mandatory civil registration before religious ceremonies, with verification of age and express consent of both parties and penalties for non-compliance
- Amend the Criminal Code to ensure that all forms of gender-based and domestic violence, regardless of the severity of injury, fall under State-led public prosecution, removing the burden from survivors.

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<sup>68</sup> Based on a stakeholder meeting held on 17 September 2024 during the ICJ mission to Tajikistan.

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> ICJ. 2020. *Neither Check nor Balance: The Judiciary in Tajikistan*. [www.icj.org/resource/new-icj-report-calls-for-a-comprehensive-reform-of-the-judiciary-in-tajikistan/](http://www.icj.org/resource/new-icj-report-calls-for-a-comprehensive-reform-of-the-judiciary-in-tajikistan/) accessed 19 March 2026.

<sup>72</sup> ICJ, *Nowhere to Go* (2025) p. 49.

- Adopt survivor-centred standard operating procedures for the police when handling GBV cases. Ensure equal access to free forensic and medical examinations for all survivors of GBV, regardless of police referral.
- Amend the Legal Aid Law to explicitly include survivors of gender-based and domestic violence among the categories eligible for State-funded legal aid, ensuring access to both primary and secondary legal assistance. Expand the network of licensed legal aid lawyers, with incentives for rural deployment.
- Increase the number of accessible shelters to meet the international standards. Allocate a permanent State budget for shelters, legal aid, and psychosocial services for all GBV survivors, reducing reliance on donors.
- Guarantee a safe and enabling environment for civil society, human rights defenders, journalists, and lawyers working on GBV.
- Withdraw the reservations to article 8 and 9 of CEDAW's optional protocol, allowing the CEDAW Committee to initiate inquiries in cases of grave or systemic violations.
- Seek to accede to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence as a framework for strengthening legal and institutional responses to GBV.