



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-ninth session
1–12 November 2021

Summary of Stakeholders' submissions on Tajikistan*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 27 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies²

2. The Human Rights Foundation said that Tajikistan had not made significant progress in implementing the majority of recommendations of the second cycle, including to ratify human rights treaties such as the Convention on the Rights of Persons with Disabilities and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.³

3. The International Campaign to Abolish Nuclear Weapons recommended that Tajikistan ratify the UN Treaty on the Prohibition of Nuclear Weapons.⁴

4. Three stakeholders recommended that Tajikistan invite some Human Rights Council Special Procedures to visit the country.⁵

5. JS10 observed that no decision of the Human Rights Committee on individual complaints had been implemented.⁶

B. National human rights framework⁷

6. The Norwegian Helsinki Committee observed the monopolization of power around the president and his immediate family and that most basic human rights were under

* The present document is being issued without formal editing



significant pressure in Tajikistan.⁸ Two stakeholders noted that the constitutional amendments adopted in 2016 lifted presidential term limits, allowing current president to sit for life.⁹

7. The Human Rights Foundation recommended that Tajikistan engage in a constructive national dialogue with all religious, political and social groups, particularly opposition groups, in order to ensure peace and protection of human rights.¹⁰

8. JS10 stated that the Human Rights Ombudsman Institution was not fully independent.¹¹

9. JS10 pointed to the need to develop a mechanism to ensure better interaction between various ministries and departments, as well as with the Secretariat of the Commission for the fulfillment of international commitments in the field of human rights.¹²

10. JS10 observed that civil society was inadequately engaged in law making processes and follow-up discussion of draft laws.¹³

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

*Equality and non-discrimination*¹⁴

11. JS2 stated that, in spite of repeated recommendations, Tajikistan was resisting the adoption of a comprehensive anti-discrimination law.¹⁵

12. The Sexual Rights Initiative noted that Tajikistan had yet to receive a recommendation on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in the UPR framework. LGBTI persons in Tajikistan face wide-spread hate-crimes, discrimination and violence.¹⁶ JS2 said that Tajikistan had neglected recommendations to end repressions on the basis of sexual orientation and gender identity and the practice of maintaining official and unofficial lists of LGBTI+ persons.¹⁷ Three stakeholders also referred to the existence of such lists.¹⁸

13. JS11 and JS2 reported on the stigmatization and discrimination faced by people living with HIV-AIDS in Tajikistan.¹⁹ JS6 noted the increase, since 2018, of discriminatory practices by law enforcement agencies against them.²⁰

14. JS9 noted the stigma and discrimination often faced by persons released from places of detention.²¹

Human rights and counter-terrorism

15. Various stakeholders expressed concerns regarding the law on countering extremism that entered into force in 2020.²² ARTICLE 19 and the International Partnership for Human Rights noted the broad and imprecise wording of what constituted “terrorism”, “terrorist action”, “extremism”, “extremist activities” and “extremist materials” in the law, granting too wide discretion in its interpretation and application and, therefore, leading to arbitrariness.²³

2. Civil and political rights

*Right to life, liberty and security of person*²⁴

16. Two submissions recalled that Tajikistan had accepted recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and to fully abolish the death penalty.²⁵ Amnesty International mentioned the little progress made towards its ratification.²⁶

17. Freedom Now stressed that Tajikistan had continued to imprison individuals on politically motivated charges. Since the previous review, Tajikistan has initiated additional

prosecutions as well as politically motivated prosecutions of family members and supporters of imprisoned opposition activists.²⁷

18. JS7 noted the adoption, in 2020 and 2021, of several laws and amendments, which improved detention registration procedures, but noted the lack of implementation in practice. Further amendments are needed.²⁸

19. Concerning legal safeguards for those deprived of liberty, Amnesty International said that law enforcement officers obstructed access to defence lawyers.²⁹ JS7 noted reports of lawyers not allowed to conduct confidential meetings with clients.³⁰

20. Despite several accepted recommendations of previous review, Human Rights Watch noted that prison conditions remained abysmal.³¹ JS10 provided detailed information on the temporary holding facilities' conditions.³² Three stakeholders noted the negative impact of the COVID-19 pandemic on detainees.³³

21. JS10 explained that, apart from the joint monitoring group with the Human Rights Ombudsman, civil society organizations had no access to closed and semi-closed institutions for independent monitoring.³⁴ JS10 explained that monitoring activities were temporarily suspended due to COVID-19 pandemic.³⁵ Amnesty International noted a lack of access to facilities under the State Committee for National Security and the State Agency on Organized Crime.³⁶ JS3 stressed the lack of access to specific detainees.³⁷ JS7 explained that lawyers were refused access to detainees held in pre-trial detention facilities under the State Committee for National Security.³⁸ Three stakeholders called for the International Committee of the Red Cross to be granted free and unrestricted access to all detention facilities.³⁹

22. Five stakeholders reported on two deadly prison riots, in 2018 and 2019, in Khujand and Vahdat.⁴⁰ Amnesty International and JS3 noted that, among those who died during the unrest, were three senior members of the Islamic Renaissance Opposition Party.⁴¹ Amnesty International stressed that no independent investigations had been launched in relation to the riots.⁴² JS3 referred to the death of 14 prisoners, most of whom had been imprisoned on charges of terrorism and extremism, under suspicious circumstances.⁴³

23. Four submissions noted measures taken to prevent torture.⁴⁴ Freedom Now and JS10 noted that the amendment to the Criminal Code, adopted in 2020, increased the penalty for torture from a fine to a prison sentence ranging from five to eight years⁴⁵ and that the amnesty law of 2019 did not apply to persons convicted of torture.⁴⁶

24. Nevertheless, JS7 informed that torture and other forms of ill-treatment remained pervasive in Tajikistan.⁴⁷ Complaints are often not investigated effectively for lack of independent investigating institutions.⁴⁸ JS10 said that there were no mechanisms to ensure prompt, thorough, impartial and independent investigations.⁴⁹ JS7 stressed that many victims and their relatives did not pursue complaints because of lack of trust in the criminal justice system and fear of reprisals from law enforcement agencies.⁵⁰ JS7 said that, even though the Prosecutor General's Office was tasked with leading investigations into cases opened under Article 143.1, investigative activities were often conducted by the police.⁵¹ JS3 stated that corruption had weakened investigations into allegations of torture and that torture remained subject to a statute of limitations.⁵² JS3 said that courts did not implement the law that provided that confessions obtained by torture were inadmissible as evidence of guilt.⁵³

25. JS7 noted significant obstacles for detainees to access effective medical and psychiatric examinations. Medical personnel often refrains from recording evidence of torture for fear of reprisals from law enforcement agents.⁵⁴

26. JS7 reported that several soldiers had died in recent years as a result of torture.⁵⁵ JS10 noted the weak mechanism to investigate torture and bullying in the army.⁵⁶

Administration of justice, including impunity, and the rule of law⁵⁷

27. JS3 recalled that, in previous cycle, Tajikistan had received recommendations on the right to a fair trial, to strengthen the independence of the judiciary and to protect lawyers. Tajikistan has yet to implement the 11 recommendations accepted.⁵⁸

28. JS6 reported about serious problems concerning the independence of the judiciary and access to justice. It described obstacles in ensuring transparency and openness of court proceedings.⁵⁹ JS9 said that judge selection and appointment procedures did not ensure the independence of judges.⁶⁰

29. The Norwegian Helsinki Committee said that a disturbing trend in recent years was the authorities' crackdown on the legal profession.⁶¹ The International Partnership for Human Rights reported about intimidation, harassment, arbitrary arrest, threats and criminal prosecution used by authorities to pressure lawyers into dropping or refusing politically-sensitive cases.⁶² The International Partnership for Human Rights and JS8 mentioned several cases of lawyers detained on politically motivated charges, including charged with the crimes of terrorism or extremism.⁶³ JS7 noted that lawyers also came under pressure when lodging complaints against torture and faced prosecution.⁶⁴ Amnesty International stressed that many human rights lawyers had to flee the country for safety.⁶⁵

30. Three submissions expressed concerns regarding the amendments to the law on lawyers, adopted in 2015, since some provisions undermined the independence of the Bar. They referred to the role of the Qualifying Commission, under the Ministry of Justice.⁶⁶ The International Partnership for Human Rights said that some lawyers working on sensitive cases did not receive new licenses. The number of licensed lawyers has dropped dramatically after the law was introduced, from 1200 in 2015 to 600 in 2017.⁶⁷ JS8 noted that there were towns without a lawyer.⁶⁸

31. JS6 stated that the law on legal aid, adopted in 2020, raised several problems, including that it did not specify that legal assistance should be provided at the State expenses.⁶⁹

32. Amnesty International said that women and LGBTI survivors of domestic violence faced many challenges in accessing justice.⁷⁰ JS5 explained that the lack of mandatory (ex officio) prosecution for sexual violence denied justice to survivors.⁷¹ JS6 noted that the criminal procedure law did not require the provision of free legal counsel to victims of domestic violence and that there was a lack of gender sensitivity in courts.⁷² JS5 highlighted the overly burdensome and discriminatory evidence requirements and corroboration rules for bringing perpetrators to justice for sexual violence.⁷³

33. JS9 noted that there were no separate courts or departments in courts on juvenile justice. There is no adequate system in relation to minors, nor alternatives to deprivation of freedom, nor a probation agency. The program to reform the juvenile justice system (2017–2021) did not take into account the category of minor offenders who had committed administrative infractions, although the law envisaged administrative detention of minor offenders. There is no systemic approach and clear legislative regulation regarding rehabilitation of children in trouble with the law.⁷⁴

Fundamental freedoms and the right to participate in public and political life⁷⁵

34. OSCE/ODIHR stated that, both presidential and parliamentary elections, took place in a tightly controlled environment, characterized by long-standing restrictions on fundamental rights and freedoms, including of association, assembly, expression and media, and by harassment and intimidation of dissenting voices. The electoral process lacked credibility and transparency, including on Election Day.⁷⁶

35. Human Rights Watch recalled that Tajikistan's UPR in 2016 took place amid a government's massive crackdown against members and supporters of a banned opposition party. Despite supporting previous recommendations to respect freedom of expression, assembly and association, Tajikistan has continued harassing and imprisoning government's critics, opposition, foreign-based dissidents and their family members.⁷⁷ The Norwegian Helsinki Committee said that, in early 2020, authorities had detained in excess of 150 individuals on trumped-up charges of membership in the banned movement Muslim Brotherhood.⁷⁸

36. Freedom Now noted that Tajikistan had sought the extradition of critics living abroad, in some cases using the INTERPOL system to issue red notices against members of opposition groups. In instances where extradition was not successful, the government has

resorted to kidnapping. Short of extradition or kidnapping, Tajikistan has continued to harass dissidents and their relatives beyond its borders.⁷⁹

37. ARTICLE 19 stated that implementation of previous cycle recommendations on freedom of expression had been limited.⁸⁰ The Committee to Protect Journalists said that Tajikistan's support for several previous cycle recommendations had been meaningless, as persecution and intimidation of journalists has persisted.⁸¹ Human Rights Watch concluded that Tajikistan had failed to act on previously accepted recommendations to guarantee freedom of expression and media.⁸²

38. OSCE-ODIHR said that arbitrarily applied charges of extremism posed a threat to the free exercise of professional activities by journalists and bloggers in Tajikistan.⁸³ The International Partnership for Human Rights stated that it had become virtually impossible to cover issues, which the authorities perceived to be "sensitive".⁸⁴ Several submissions mentioned various individual cases of journalists and bloggers persecuted,⁸⁵ charged and incarcerated for their work⁸⁶ and physically attacked.⁸⁷ Some stakeholders observed that journalists and editors had to leave the country in recent years.⁸⁸ Others noted reports of authorities intimidating their families at home.⁸⁹

39. Five submissions referred to journalists being denied accreditation as a means of restricting freedom of the media.⁹⁰ ARTICLE 19 mentioned restrictions on registration of independent media⁹¹ and explained that registration of new periodicals and printing houses had become extremely complicated since new regulations were introduced in 2019.⁹²

40. ARTICLE 19 informed that the amendments to the Criminal Code of 2016 created a new offence seeking to shield the President from criticism.⁹³ Two submissions reported that journalists were reportedly being frequently threatened with criminal charges of "defamation and insult".⁹⁴ While noting that the number of civil defamation cases had abruptly declined during the reporting period, ARTICLE 19 stressed that this was the result of editorial self-censorship.⁹⁵ It further stated that the retention of defamation and insult provisions was out of line with Tajikistan's acceptance of previous recommendations to decriminalise defamation.⁹⁶ The International Partnership for Human Rights and JS10 also observed that self-censorship was increasingly common amongst journalists and media.⁹⁷

41. JS1 noted that Tajikistan had resorted to suppressing critics through "large-scale" internet censorship and had routinely blocked the most popular anonymizing software and VPN services, making it difficult to circumvent censorship measures. Several laws authorize the government to block internet services.⁹⁸ The International Partnership for Human Rights highlighted the wide-ranging powers of authorities in Tajikistan to control websites and social networks and restrict access to them, if necessary.⁹⁹ JS1 and JS10 noted the establishment, in 2016, of a Unified Electronic Communications Switching Center that has provided the government complete control over domestic communications.¹⁰⁰ Other stakeholders expressed concerns at the regular blocking of websites.¹⁰¹

42. Several stakeholders expressed concerns about the legislative amendments, adopted in 2020, concerning the dissemination of false information about the COVID-19 pandemic in media, internet and social networks.¹⁰² The Human Rights Foundation concluded that the vague terms of the amendments had further expanded censorship in Tajikistan.¹⁰³

43. JS7 said that the situation of civil society, particularly NGOs working on human rights and other issues deemed "sensitive" by the authorities, had deteriorated even further.¹⁰⁴ JS9 noted the difficulty for organizations to work on certain issues, such as, *inter alia*, democratic reforms and free elections and religious liberties.¹⁰⁵ Four submissions highlighted the particular difficulties that organizations working with LGBTI persons or sex workers faced.¹⁰⁶

44. Three stakeholders expressed concerns at the amendments, adopted in 2019, to the law on public associations, which introduced additional reporting obligations for NGOs.¹⁰⁷ Amnesty International explained that, because the amendments gave the Ministry of Justice broad powers to report organizations to the police and security services for investigation, NGOs feared that the authorities would use them to silence critical voices. It noted that authorities had failed to include NGOs in consultations on the new draft law on non-commercial organizations, contrary to previous cycle commitments.¹⁰⁸

45. JS1 stated that the government had strictly limited freedom of assembly.¹⁰⁹ The International Partnership for Human Rights recommended that Tajikistan adopt and implement best practices on the freedom of peaceful assembly.¹¹⁰ OSCE-ODIHR recommended that Tajikistan amend the Law on Assemblies so that it requires a simple notification procedure rather than an authorisation of public events.¹¹¹

46. JS1 provided a list of laws which contained provisions that undermined the rights to freedom of expression and access to information, peaceful assembly and association, and the right to privacy.¹¹²

47. ADF International said that, despite Tajikistan's support to several recommendations of previous cycle on freedom of religion, it had maintained repressive laws and policies on public religious practice.¹¹³ The European Centre for Law and Justice said that Tajikistan had not taken steps to ensure religious freedom for minority religions.¹¹⁴ ADF International described several incidents of discrimination against people of various faith during the reporting period.¹¹⁵ Forum 18 noted that Muslims faced special restrictions.¹¹⁶ JS4 requested Tajikistan to immediately release those imprisoned for practising their religious beliefs and to grant the re-registration of the Jehovah's Witnesses.¹¹⁷

48. Forum 18 referred to some laws that, in 2020 alone, had increased restrictions on the exercise of freedom of religion and belief.¹¹⁸ Three stakeholders expressed concerns regarding the Law on Freedom of Conscience and Religious Associations.¹¹⁹ Forum 18 concluded that the law made all exercise of freedom of religion or belief without the State's permission illegal.¹²⁰ Three stakeholders expressed concerns about the law on traditions.¹²¹ ADF International explained that the law banned customary religious meals, non-traditional apparel and religious traditions at funerals.¹²² ADF International and Forum 18 expressed concern regarding the law on parental responsibility, which prohibited the participation of children in various religious activities.¹²³

49. Two stakeholders referred to the role of the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA).¹²⁴ ADF International noted the tighter controls it imposed.¹²⁵ Forum 18 noted the complaints of religious communities of all faiths about the high cost of "expert analysis" charged by the SCRA for every item of literature.¹²⁶ Human Rights Watch noted the blacklist of banned books, mostly religious in nature, compiled by the SCRA.¹²⁷

50. The International Fellowship of Reconciliation and JS4 recalled the previous cycle recommendation on the right to conscientious objection to compulsory military service.¹²⁸ Forum 18 noted that Tajikistan had offered no genuinely civilian alternative service and that conscientious objectors were jailed.¹²⁹ The International Fellowship of Reconciliation and JS4 described individual cases.¹³⁰ The International Fellowship of Reconciliation and JS7 were particularly concerned that the new law on military duty and service, adopted in 2021, did not explicitly mention the right to conscientious objection.¹³¹

*Prohibition of all forms of slavery*¹³²

51. JS9 explained that domestic human trafficking was not explicitly mentioned in national laws or policy documents.¹³³ JS9 also stated that many vulnerable labor migrants were potential victims of human trafficking.¹³⁴

*Right to privacy and family life*¹³⁵

52. Human Rights Watch and JS1 referred to legislative amendments, adopted in 2017, that allowed security services to monitor individuals' online activities.¹³⁶ Human Rights Watch said that citizens who visited "undesirable" websites were subject to surveillance, fines and detention and that the law did not define what qualified as an "undesirable website."¹³⁷

53. JS1 said that the Unified Electronic Communications Switching Center had enhanced the government's ability to surveil all communications without making requests to service providers or telecommunications companies. It stated that mandatory SIM card and devices registration undermined the right to privacy and other rights.¹³⁸

54. JS6 and JS11 stressed that amendments to the Family Code providing for compulsory medical examination, including an HIV-AIDS test, before marriage had negative consequences on the rights to privacy and to start a family.¹³⁹ JS6 informed that a medical certificate was required to register the marriage.¹⁴⁰ JS11 observed the increase of unregistered marriages, as a consequence.¹⁴¹

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*¹⁴²

55. JS11 considered that official unemployment statistics did not reflect the real situation in Tajikistan. JS11 noted the absence of incentives to employ members of vulnerable groups.¹⁴³

56. JS2 observed that labour legislation included discriminative bans for a number of jobs and professions for women. In 2017, the Government updated the list of occupations banned for women. However, 326 professions remained closed to women, including well-paid jobs.¹⁴⁴ JS11 stated that sexual harassment might be the cause of the low-level employment of women. It recommended that Tajikistan ratify the ILO Convention 190 on the eradication of violence and harassment in the labor sphere and the ILO Convention 158 on the termination of employment relations.¹⁴⁵ JS10 informed that the Labor Code did not contain the notion of “harassment”.¹⁴⁶

57. JS6 said that HIV test was required for employment and that there was widespread discrimination against persons living with HIV-AIDS in the workplace.¹⁴⁷

58. JS11 stressed the negative impact of the COVID-19 pandemic on many sectors of the economy, with wage arrears resulting sometimes in drastic consequences.¹⁴⁸

59. JS9 referred to labour exploitation in the construction sector.¹⁴⁹

60. JS9 said that searching for a job was impeded for persons released from detention. Unemployment and poverty resulted in some of them committing again offences.¹⁵⁰

*Right to social security*¹⁵¹

61. JS7 reported that persons with disabilities faced discrimination to access to social security.¹⁵²

*Right to an adequate standard of living*¹⁵³

62. JS9 noted the decrease, in 2020, of money remittances of labor migrants, which affected poverty rates, informal employment and child labor in migrant workers’ households.¹⁵⁴

63. JS11 stated that the outdated Housing Code of 1997 remained in force. Authorities provide short notice of forthcoming eviction/resettlement. The Urban Development Code does not elaborate a definition of eviction “for community and state needs” and neither envisages guarantees to protect citizens’ rights in case of eviction.¹⁵⁵ The activity of construction companies is improperly supervised. The construction of residential buildings without the legal permits and approvals brings about evictions, with no provision of alternative housing or a building land plot.¹⁵⁶ Three submissions reported that persons with disabilities, LGBTI persons and the Jughī community faced discrimination in accessing housing.¹⁵⁷

64. JS11 noted that inflation of food product prices had accelerated.¹⁵⁸

*Right to health*¹⁵⁹

65. JS11 stated that the COVID-19 pandemic had revealed gaps in Tajikistan’s health care system. Access to health facilities is impeded, particularly in remote areas, and health personnel face acute shortages of personal protective equipment.¹⁶⁰

66. The Sexual Rights Initiative reported on the limited accessibility to sexual and reproductive health services, especially for marginalized groups, including LGBTI persons,

sex workers and youth, as well as women and girls with disabilities.¹⁶¹ JS11 said that the access of women living with HIV-AIDS to public healthcare and reproductive sexual rights was impeded.¹⁶²

67. The Sexual Rights Initiative said that harmful traditional practices remained prevalent, including “restoration” of the hymen. Pregnant unmarried girls resort to unsafe abortions at home. Sexuality education in Tajikistan reiterates non-scientific, misleading and stigmatizing information about sexual and reproductive health. It recommended that Tajikistan ensure compliance with UNESCO International Technical Guidance on Sexuality Education and UNFPA Operational Guidance for Comprehensive Sexuality Education.¹⁶³

68. JS6 stated that, despite the Health Code provided for free treatment for persons living with HIV-AIDS, in practice, with the exception of ARV therapy, all treatments needed to be paid for.¹⁶⁴ Sexual Rights Initiative and JS11 reported on the criminalization of HIV transmission.¹⁶⁵ JS11 and JS6 noted the absence of a mechanism to ensure that children born to mothers with HIV-AIDS received breast milk substitute.¹⁶⁶

69. JS11 mentioned that a comprehensive strategy on mental health had yet to be adopted in Tajikistan. Some psychiatric conditions and autistic disorders are not included in the list of morbidities that allow granting the status of disability.¹⁶⁷

*Right to education*¹⁶⁸

70. JS11 reported about the temporary closure of schools due to the COVID-19 pandemic, with authorities failing to offer online education programs or any other educational services.¹⁶⁹

71. JS11 recalled that Tajik legislation guaranteed the right of children with disabilities to receive free education, including in general institutions. However, priority is given to special education. In general education institutions there are no meaningful aids and appliances to facilitate the education of children with disabilities.¹⁷⁰

72. JS2 stressed that the Jughli community faced lack of education, segregation at school and difficult access to secondary school level. Pamiri languages, despite having a writing system and teaching tools, are excluded from the educational system. No teaching is being done in the Yaghnobi language.¹⁷¹ The quality of Tajik language teaching in schools, where students are taught in minority languages, often does not allow students to enter higher education.¹⁷²

4. Rights of specific persons or groups

*Women*¹⁷³

73. JS11 stated that gender equality was impeded by several systemic factors, including the low capacity to implement legislative provisions for equality between men and women and poor introduction of gender approaches in sectoral legislation; lack of regular monitoring and evaluation of implementation of measures and expected results based on indicators; insufficient financial resources and lack of gender-based budgeting; low capacity of inter-agency cooperation; and absence of adequate inter-sectoral approach in developing political measures for empowerment of women.¹⁷⁴

74. Human Rights Watch recalled that Tajikistan had supported various UPR recommendations to fight against violence against women. However, domestic violence remains a serious problem.¹⁷⁵ JS7 described the issue as endemic and widespread although it noted the difficulty in knowing the exact extent of the problem, given the lack of comprehensive official statistics and the social stigma which prevented women from speaking out. JS7 noted that most victims of domestic violence did not have access to shelters, psychosocial, legal counselling and other services, especially in rural areas.¹⁷⁶

75. Amnesty International, JS7, Human Rights Watch and JS6 informed that domestic violence had yet to be classified as a separate offence in the Criminal Code.¹⁷⁷ JS7 recommended Tajikistan to amend Article 53 of the draft Criminal Code to criminalize all forms of domestic violence, including psychological violence, marital rape and sexual

assault.¹⁷⁸ JS5 noted that definitions of sexual violence crimes were not compliant with international human rights standards since rape and other analogous crimes were defined as requiring force and were not based on the lack of free and voluntary consent of the victim.¹⁷⁹

76. Some stakeholders noted the increase in the number of cases of domestic and gender-based violence reported during the COVID-19 pandemic.¹⁸⁰ JS11 stressed that restrictions in the context of the pandemic had affected the access of women to various services.¹⁸¹

77. JS10 and The Sexual Rights Initiative highlighted that sex workers were highly stigmatized and suffered from systematic discrimination and violence.¹⁸² The latter informed that, while sex work *per se* was not criminalized, all activities surrounding sex work were criminalized, resulting in *de facto* criminalization of sex work. The frequency of police raids has intensified and women detained are forced to undergo a medical examination and to test for HIV and STIs.¹⁸³

*Children*¹⁸⁴

78. JS11 stated that the scale of violence against children was highly underestimated. It reported on children subjected to sexual violence from family members and neighbors, while noting that the Criminal Code did not establish a lower age limit to engage in sexual intercourse without any compulsion and coercion.¹⁸⁵ JS11 noted that the COVID-19 pandemic had exacerbated the violence against children.¹⁸⁶

79. JS5 referred to a study that suggested that the actual number of early and unregistered marriages in Tajikistan was higher than shown in official statistics.¹⁸⁷ While noting that the Family Code allowed, in exceptional cases, a reduction in the age of marriage by one year at the request of persons wishing to marry, three submissions stressed that these exceptional cases were not established by law.¹⁸⁸ JS11 concluded that the wording of the law was not in the best interest of the child.¹⁸⁹

80. The Global Partnership to End Violence Against Children informed that corporal punishment of children remained lawful in various settings¹⁹⁰ and that no progress had been made to adopt prohibiting legislation, despite accepting UPR recommendations in 2011.¹⁹¹

81. JS11 noted efforts made by Tajikistan towards the de-institutionalization of children. Child care centers have been transformed into family and child support centers; the number of children placed in child care centers has decreased; and the system to refer vulnerable children to alternative services has improved. However, the mechanism to implement the legislative provision on foster family care is still under development.¹⁹²

*Persons with disabilities*¹⁹³

82. While welcoming the signing of the Convention on the Rights of Persons with Disabilities in 2018, JS11 noted that challenges remained. The definition of disability depends on the ability to work. A reform to integrate the sphere of social protection with public healthcare falls short of expectation. Construction and beautification projects do not pay enough attention to a barrier-free environment.¹⁹⁴

83. JS7 stated that men, women and children with disabilities in Tajikistan were not only vulnerable to human rights violations such as discrimination, in particular access to education, labour market, health care and social security, but some were also subject to abuse in semi-closed institutions.¹⁹⁵ Three submissions stressed that women and girls with disabilities faced multiple forms of discrimination.¹⁹⁶

Minorities

84. JS2 stated that Tajikistan's declared policy of creating a "unified nation" had led to discrimination against ethnic groups.¹⁹⁷ Ethnic minorities are underrepresented in public service.¹⁹⁸

85. JS2 reported on many problems faced by the Jugh community, such as extreme poverty, unemployment, unregistered housing, problems with birth registration and

personal documents, conflict with law and related ethnic profiling and police violence, and negative widespread stereotypes.¹⁹⁹

86. As for the Pamiri, JS2 stressed that they were not recognized as a minority. They were not mentioned in Tajikistan's report to the Committee on the Elimination of Racial Discrimination submitted in 2020. The Pamiri view the lack of Pamiri-language books, periodicals, television and radio broadcasts as part of a government policy to reduce the use of these languages.²⁰⁰

87. JS2 noted that the small Yaghnobi minority did not receive government support and that the Yaghnobi language and culture were under threat of extinction.²⁰¹

*Migrants, refugees and asylum seekers*²⁰²

88. JS2 said that Tajikistan's efforts to protect the rights of its citizens in labor migration remained insufficient. The country also lacks an effective program to reintegrate migrants who returned.²⁰³ The "Chisinau Agreement" that regulated the movement of minors between former Soviet countries and established procedures for their repatriation is outdated.²⁰⁴

89. JS9 noted that no separate labor migration strategy or program had been adopted after 2015. Tajikistan lacks a law on labor migration, despite repeated recommendations of treaty bodies to adopt this law and an integrated migration policy, taking into account gender and based on human rights.²⁰⁵

90. JS9 noted the impact of the COVID-19 pandemic, with many migrants not able to return home, stuck at the border and living in extreme conditions.²⁰⁶

91. While the law states that a person crossing Tajikistan's border with the intention to claim asylum should not be subject to sanctions for illegal entry/stay, JS9 said that, in practice, asylum seekers were not allowed to enter the country and, if crossing the border outside official ports of entry, they were brought to criminal responsibility or expelled.²⁰⁷

92. JS9 informed about the prohibition for refugees and asylum seekers to live in populated areas, which impeded their access to the labor market, public healthcare, education and other social services.²⁰⁸ On a positive note, JS9 mentioned that the amendments to administrative legislation, adopted in 2020, which introduced a warning for administrative offences in case of violation of rules for stay in the country by foreign citizens and persons without citizenship, excluded the deportation of refugees.²⁰⁹

Stateless persons

93. JS9 said that the actual scale of statelessness in Tajikistan was unknown. While the citizenship law included a set of provisions aimed at preventing and reducing statelessness, it also required a foreign citizen requesting naturalization to present a document confirming his application to surrender his citizenship.²¹⁰

94. JS9 pointed out another provision of the citizenship law that could prevent a child from being granted the citizenship, as it did not envisage the registration of children born to parents with no documents or whose documents were invalid.²¹¹

95. JS9 also informed that the citizenship law omitted a simplified procedure for acquisition of Tajik citizenship by refugees and foreign citizens whose husband/wife was a citizen of Tajikistan.²¹²

96. JS9 reported on the adoption, in 2019, of an amnesty law allowing foreign citizens and persons without citizenship illegally staying in Tajikistan to formalize their legal status and obtain a residence permit.²¹³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

*Civil society**Individual submissions:*

ADF International	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
ARTICLE 19	ARTICLE 19, London (United Kingdom of Great Britain and Northern Ireland);
CPI	Committee to Protect Journalists, New York (United States of America);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
Forum 18	Forum 18, Oslo (Norway);
FN	Freedom Now, Washington (United States of America);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland);
HRF	Human Rights Foundation, New York (United States of America);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IFOR	International Fellowship of Reconciliation, Utrecht (The Netherlands);
IPHR	International Partnership for Human Rights, Brussels (Belgium);
NHC	Norwegian Helsinki Committee, Oslo (Norway);
SRI	The Sexual Rights Initiative, Ottawa (Canada).

Joint submissions:

JS1	Joint submission 1 submitted by: Access Now, New York (United States of America), and Small Media, London (United Kingdom of Great Britain and Northern Ireland);
JS2	Joint submission 2 submitted by: Anti-Discrimination Centre “Memorial” (ADC), Brussels (Belgium), and Human & Art Laboratory initiative in Central Asia;
JS3	Joint submission 3 submitted by: The Advocates for Human Rights, Minneapolis (United States of America), and the World Coalition Against the Death Penalty, Rome (Italy);
JS4	Joint submission 4 submitted by: Asia-Pacific Association of Jehovah’s Witnesses, Tokyo (Japan), and European Association of Jehovah’s Witnesses, Selters (Germany);
JS5	Joint submission 5 submitted by: Equality Now, Nairobi (Kenya), League of Women with Disabilities “Ishtirok”, and Your Choice, Dushanbe (Tajikistan);
JS6	Joint submission 6 submitted by: Human Rights Centre, Bureau for Human Rights and Rule of Law, Your Choice, Legal Initiative, Pamir Lawyers Association, Independent Centre for Human Rights, Office for Civil Liberties, League of Women Lawyers, Gulrukhsor, Saodat, League of Women with Disabilities “Ishtirok”, Nachoti Kudakon, Khurshedi Zindagi, Sayokhat, Women and Society, Imkoniyat, Lawyers, Society Development Foundation, Legal Education Center, Justice for Women, Bonuvoni Fardo, The world of law, and Gamkhori, Dushanbe (Tajikistan);
JS 7	Joint submission 7 submitted by: NGO Coalition against Torture and Impunity in Tajikistan, International Partnership for Human Rights (IPHR), Brussels (Belgium), and Helsinki Foundation for Human Rights (HFHR), Warsaw (Poland);
JS 8	Joint submission 8 submitted by: Lawyers for Lawyers (L4L), Amsterdam (The Netherlands), and the International Bar Association’s Human Rights Institute (IBAHRI), London (United Kingdom of Great Britain and Northern Ireland);
JS 9	Joint submission 9 submitted by: Bureau of Human Rights and Rule of Law, Human Rights Center, Legal Initiative, Law and Prosperity, Office of Civil Freedoms, and Network of Public Organizations “Umed” for counter-trafficking in persons, Dushanbe (Tajikistan);
JS 10	Joint submission 10 submitted by: Bureau of Human Rights

and Rule of Law, Office of Civil Freedoms, Jahon, Law and Prosperity, Your Choice, Independent Center for Protection of Human Rights, Tajikistan Network of Women Living with HIV, National Association of Disabled Persons of Tajikistan, and Coalition of Public Organizations “From Legal Equality to Actual Equality”, Dushanbe (Tajikistan);

JS 11

Joint submission 11 submitted by: Bureau of Human Rights and Rule of Law, Jahon, Independent Center for Protection of Human Rights, World of Law, Parent Association of Children with Disabilities, League of the Disabled Women “Ishtiroq”, Safoi Konibodom, Legal Initiative, Your Choice, Coalition of Public Organizations “From Legal Equality to Actual Equality”, Tajikistan Network of Women Living with HIV, and National Association of Disabled Persons of Tajikistan, Dushanbe (Tajikistan).

Regional intergovernmental organization(s):

OSCE-ODIHR

Organization for Security and Co-operation in Europe
Office for Democratic Institutions and Human Rights and
Representative of Freedom of Media, Warsaw (Poland).

- ² For relevant recommendations see A/HRC/33/11, paras. 115.1–115.12, 115.14, 115.33–115.35, 115.37, 115.52–115.57, 115.61–115.62, 115.68, 115.89, 116.1–116.2, and 117.1–117.14. See also A/HRC/33/11/Add.1, paras. 118.1–118.9, 118.14–118.20 and 118.26.
- ³ HRF, paras. 6–7.
- ⁴ ICAN, p. 1.
- ⁵ Freedom Now, para. 19(g), NHC, p. 6, and HRF, para. 35(b).
- ⁶ JS10, p. 2.
- ⁷ For the relevant recommendations, see A/HRC/33/11, paras. 115.13–115.24, 115.26, 115.32–115.33, 115.62, 115.89 and 117.7–117.10. See also A/HRC/33/11/Add.1, paras. 118.10–118.14, 118.26 and 118.37.
- ⁸ NHC, pp. 1–2.
- ⁹ HRF, para. 15 and NHC, p. 4.
- ¹⁰ HRF, para. 35(c).
- ¹¹ JS10, p. 3.
- ¹² JS10, p. 3.
- ¹³ JS10, p. 3.
- ¹⁴ For the relevant recommendations, see A/HRC/33/11, paras. 115.36, 115.38–115.40, 115.43–115.44, 115.85, 115.87 and 115.90. See also A/HRC/33/11/Add.1, paras. 118.21, 118.23 and 118.45.
- ¹⁵ JS2, para. 8.
- ¹⁶ SRI, paras. 2–3. See also AI, para. 28.
- ¹⁷ JS2, para. 16.
- ¹⁸ AI, para. 28, JS7, p. 10, and SRI, para. 6 and p. 6, recommendation 7.
- ¹⁹ JS11, p. 5 and JS2, para. 19.
- ²⁰ JS6, para. 29.
- ²¹ JS9, p. 10.
- ²² HRW, p. 7, ADF, para. 9, ARTICLE 19, para. 11, ECLJ, para. 10, and IPHR, p. 5.
- ²³ ARTICLE 19, para. 10 and IPHR, p. 4.
- ²⁴ For relevant recommendations see A/HRC/33/11, paras. 115.9–115.12, 115.46–115.61, 115.82–115.84, 115.111 and 117.8–117.10. See also A/HRC/33/11/Add.1, paras. 118.25–118.26, 118.37, 118.41 and 118.69.
- ²⁵ AI, para. 3 and JS3, para. 2. See also JS7, p. 8.
- ²⁶ AI, para. 3. See also JS7, p. 9.
- ²⁷ Freedom Now, paras. 3 and 6.
- ²⁸ JS7, pp. 4–5.
- ²⁹ AI, para. 6.
- ³⁰ JS7, p. 5.
- ³¹ HRW, p. 5.
- ³² JS10, p. 9.
- ³³ Freedom Now, para. 18, HRF, para. 24, and JS3, para. 20.
- ³⁴ JS10, p. 2.
- ³⁵ JS10, p. 9.
- ³⁶ AI, para. 24.
- ³⁷ JS3, para. 22.
- ³⁸ JS7, p. 5.
- ³⁹ Freedom Now, para. 19(i), JS3, para. 27, p. 7, and JS10, p. 9, recommendation 3. See also JS7, p. 6.
- ⁴⁰ Freedom Now, para. 17, HRW, p. 5, NHC, p. 5, JS3, para. 21, and AI, para. 25.
- ⁴¹ AI, para. 25 and JS3, para. 21.

- 42 AI, para. 26.
- 43 JS3, para. 21.
- 44 AI, para. 4, JS7, pp. 3-4, Freedom Now, para. 7, and JS10, p. 5.
- 45 Freedom Now, para. 7. See also JS10, p. 5.
- 46 JS10, p. 5.
- 47 JS7, p. 3. See also Freedom Now, para. 8, AI, para. 2, and JS10, p. 6.
- 48 JS7, p. 6.
- 49 JS10, p. 6. See also JS7, p. 6.
- 50 JS7, p. 3.
- 51 JS7, p. 7.
- 52 JS3, para. 19.
- 53 JS3, para. 16. See also JS10, p. 6.
- 54 JS7, pp. 5-6.
- 55 JS7, p. 8.
- 56 JS10, p. 7.
- 57 For relevant recommendations see A/HRC/33/11, paras. 115.28, 115.78-115.81 and 115.85. See also A/HRC/33/11/Add.1, paras. 118.35-118.36, 118.38-118.40 and 118.67.
- 58 JS3, para. 8.
- 59 JS6, paras. 1 and 3.
- 60 JS9, p. 3.
- 61 NHC, p. 3.
- 62 IPHR, p. 8.
- 63 IPHR, pp. 8-9 and JS8, paras. 15, 17-18 and p. 5.
- 64 JS7, p. 5.
- 65 AI, para. 21.
- 66 JS9, p. 3, IPHR, p. 9, and JS8, paras. 19-21.
- 67 IPHR, p. 9.
- 68 JS8, para. 24.
- 69 JS6, para. 22.
- 70 AI, para. 8.
- 71 JS5, para. 10.
- 72 JS6, paras. 12 and 16.
- 73 JS5, para. 12.
- 74 JS9, para. 4.
- 75 For relevant recommendations see A/HRC/33/11, paras. 115.87-115.88. See also A/HRC/33/11/Add.1, paras. 118.10, 118.24, 118.42-118.68 and 118.70.
- 76 OSCE-ODIHR, paras. 6 and 10.
- 77 HRW, p. 2.
- 78 NHC, p. 5.
- 79 Freedom Now, paras. 12-14.
- 80 ARTICLE 19, paras. 3 and 2.
- 81 CPJ, para. 25.
- 82 HRW, p. 4.
- 83 OSCE-ODIHR, p. 5.
- 84 IPHR, p. 3.
- 85 CPJ, paras. 14 and 16-24.
- 86 JS1, paras. 26-28, ARTICLE 19, paras. 13-15, and HRF, paras. 27-28.
- 87 HRF, para. 26 and ARTICLE 19, para. 20.
- 88 OSCE-ODIHR, p. 6, IPHR, p. 4, AI, para. 12, CPJ, para. 9, and JS1, para. 25.
- 89 CPJ, para. 9, ARTICLE 19, para. 19, and OSCE-ODIHR, p. 6.
- 90 OSCE-ODIHR, p. 5, ARTICLE 19, paras. 24-25, CPJ, paras. 9, 15 and 23, JS1, para. 24, and JS10, p. 10.
- 91 ARTICLE 19, para. 3. See also JS1, para. 24.
- 92 ARTICLE 19, para. 22.
- 93 ARTICLE 19, para. 6.
- 94 IPHR, p. 4 and JS1, para. 30.
- 95 ARTICLE 19, para. 7.
- 96 ARTICLE 19, para. 4. See also See also ARTICLE 19, p. 4, IPHR, p. 7, and OSCE-ODIHR, p. 3.
- 97 IPHR, p. 3 and JS10, p. 10.
- 98 JS1, paras. 11, 13 and 15.
- 99 IPHR, p. 5.
- 100 JS1, para. 16 and JS10, p. 10.
- 101 ARTICLE 19, paras. 16 and 18, HRF, para. 29, HRW, pp. 4-5, IPHR, pp. 5 and 7, JS10, p. 10, and OSCE-ODIHR, p. 5.
- 102 OSCE-ODIHR, p. 5, AI, para. 16, HRF, para. 32, JS10, p. 11, IPHR, p. 6, JS11, p. 10, and CPJ, para. 10.

- 103 HRF, para. 32.
104 JS7, p. 11.
105 JS9, p. 11.
106 JS7, p. 12, JS9, p. 11, JS2, para. 28, and JS10, p. 4.
107 AI, para. 17, JS 7, p. 12, and JS9, p. 12.
108 AI, para. 17.
109 JS1, para. 33.
110 IPHR, p. 8.
111 OSCE-ODIHR, p. 2, para. 7.
112 JS1, para. 4.
113 ADF, para. 3.
114 ECLJ, para. 3. See also HRW, p. 6.
115 ADF, paras. 12–18.
116 Forum 18, para. 19.
117 JS4, p. 3, recommendations (1) and (2).
118 Forum 18, para. 2.
119 ECLJ, para. 62, ADF, para. 5, and Forum 18, para. 1.
120 Forum 18, para. 1.
121 Forum 18, paras. 23–26, ADF, para.11, and HRW, p. 6.
122 ADF, para. 11.
123 ADF, paras. 8 and 21, and Forum 18, para. 27.
124 ADF, paras. 10–11 and 15, and Forum 18, paras. 19, 21, 25, and 27-30.
125 ADF, para. 11.
126 Forum 18, para. 30.
127 HRW, p. 4.
128 IFOR, paras. 18–19 and JS4, para. 44.
129 Forum 18, para. 7.
130 IFOR, paras. 11–17 and JS4, paras. 46–62.
131 IFOR, para. 5 and JS7, p. 8.
132 For relevant recommendations see A/HRC/33/11, para. 115.76. See also A/HRC/33/11/Add.1, paras. 118.33–118.34.
133 JS9, p. 6.
134 JS9, p. 5.
135 For relevant recommendations see A/HRC/33/11, paras. 115.43 and 115.86.
136 HRW, p. 4 and JS1, para. 36.
137 HRW, p. 4.
138 JS1, paras. 36–37.
139 JS6, para. 32 and JS11, p. 6.
140 JS6, para. 32.
141 JS11, p. 6.
142 For relevant recommendations see A/HRC/33/11, paras. 115.31, 115.40, 115.43–115.44 and 115.91.
143 JS 11, p. 11.
144 JS2, para. 15.
145 JS11, pp. 11–12.
146 JS10, p. 4.
147 JS6, para. 38.
148 JS11, p. 11.
149 JS9, p. 6.
150 JS9, p. 10.
151 For relevant recommendations see A/HRC/33/11, para. 115.25.
152 JS7, p. 11.
153 For relevant recommendations see A/HRC/33/11, paras. 115.94–115.97 and 115.116.
154 JS9, p. 7.
155 JS11, p. 8.
156 JS11, pp. 9 and 8.
157 JS11, p. 7, SRI, para. 5, and JS2, para. 11.
158 JS11, p. 10.
159 For relevant recommendations see A/HRC/33/11, paras. 115.77 and 115.98–115.103.
160 JS11, p. 10.
161 SRI, paras. 18 and 22.
162 JS11, p. 6.
163 SRI, paras. 18, 19 and 25, and p. 6, recommendation 11.
164 JS6, para. 37.
165 SRI, para. 14 and JS11, p. 6.
166 JS11, p. 6 and JS6, para. 34.
167 JS11, p. 7.

- ¹⁶⁸ For relevant recommendations see A/HRC/33/11, paras. 115.85 and 115.104–115.110.
- ¹⁶⁹ JS11, p. 11.
- ¹⁷⁰ JS11, p. 7.
- ¹⁷¹ JS2, paras. 11–13.
- ¹⁷² JS2, para. 9.
- ¹⁷³ For relevant recommendations see A/HRC/33/11, paras. 115.22, 115.27–115.31, 115.36–115.42, 115.44 and 115.63–115.69. See also A/HRC/33/11/Add.1, paras. 118.28–118.32.
- ¹⁷⁴ JS11, p. 2.
- ¹⁷⁵ HRW, p. 7.
- ¹⁷⁶ JS7, pp. 9–10.
- ¹⁷⁷ AI, para. 9, JS7, p. 9, HRW, p. 8, and JS6, para. 11.
- ¹⁷⁸ JS7, p. 14. See also HRW, p. 8.
- ¹⁷⁹ JS5, p. 2 and para. 6. See also JS6, para. 17.
- ¹⁸⁰ AI, para. 29, HRW, p. 8, JS7, p. 10, and JS11, p. 10.
- ¹⁸¹ JS11, p. 2.
- ¹⁸² JS10, p. 4 and SRI, paras. 11 and 14.
- ¹⁸³ SRI, paras. 12–13.
- ¹⁸⁴ For relevant recommendations see A/HRC/33/11, paras. 115.16, 115.27, 115.29–115.30, 115.70–115.75 and 115.106–115.107.
- ¹⁸⁵ JS11, pp. 4–5.
- ¹⁸⁶ JS11, p. 4.
- ¹⁸⁷ JS5, para. 15.
- ¹⁸⁸ JS5, para. 14, JS6, para. 18, and JS11, p. 4.
- ¹⁸⁹ JS11, p. 4.
- ¹⁹⁰ GIEACPC, p. 2.
- ¹⁹¹ GIEACPC, para. 2.3.
- ¹⁹² JS11, pp. 3–4.
- ¹⁹³ For relevant recommendations see A/HRC/33/11, paras. 115.7, 115.31 and 115.112–115.114.
- ¹⁹⁴ JS11, p. 7.
- ¹⁹⁵ JS7, p. 11.
- ¹⁹⁶ JS7, p. 11, JS11, p. 7, and JS10, p. 4.
- ¹⁹⁷ JS2, para. 10.
- ¹⁹⁸ JS2, para. 9.
- ¹⁹⁹ JS2, para. 11.
- ²⁰⁰ JS2, para. 12.
- ²⁰¹ JS2, para. 13.
- ²⁰² For relevant recommendations see A/HRC/33/11, para. 115.115.
- ²⁰³ JS2, para. 31.
- ²⁰⁴ JS2, para. 34.
- ²⁰⁵ JS9, p. 7.
- ²⁰⁶ JS9, p. 7.
- ²⁰⁷ JS9, p. 10.
- ²⁰⁸ JS9, p. 9.
- ²⁰⁹ JS9, p. 8.
- ²¹⁰ JS9, p. 8.
- ²¹¹ JS9, pp. 8–9.
- ²¹² JS9, p. 8.
- ²¹³ JS9, p. 8.