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ANALYSIS OF THE NATIONAL LEGISLATION OF TAJIKISTAN RELATED TO SOGI AND HIV



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LIST OF ABBREVIATIONS

ART	Antiretroviral therapy
HIV	Human immunodeficiency virus
WHO	World Health Organization
SC of RT	Supreme Court of the Republic of Tajikistan
GBAO	Gorno-Badakhshan autonomous oblast
CRO	Civil registry office
CEDAW	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
LGBT	Lesbians, gays, bisexuals and trans people
PLHIV	People living with HIV
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
HC	Hate crimes
RT	Republic of Tajikistan
SOGI	Sexual orientation and gender identity
CC of RT	Criminal code of the Republic of Tajikistan
SDGs	Sustainable Development Goals
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression, Sex Characteristics
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
UN Women	United Nations Programme for Gender Equality and the Empowerment of Women
USAID	United States Agency for International Development

The purpose of this comparative analysis is to identify and systematize the legal and institutional barriers that hinder the realization of the rights and freedoms of LGBT people, as well as people living with HIV. This analysis updates the 2020 study and reviews legislation and practice covering the period from 2020 to 2025.

This analysis is based on an updated methodology, which includes questionnaires completed by local partners in Tajikistan, as well as expert interviews and case studies. The analysis takes into account:

- ☑ judicial practice and government statistics;
- ☑ data from human rights organizations and service NGOs, including those working with key populations;
- ☑ reports and testimonies from activists, including cases of pressure and self-censorship;
- ☑ media publications and independent research;
- ☑ reports from international human rights organizations and documents submitted to international legal bodies (UN, OSCE, Council of Europe etc.).

Particular attention is paid to the impact of legislation and law enforcement practices on such areas as freedom of association, access to justice, health (including HIV-related services), freedom of expression and protection from discrimination.

INTERNATIONAL OBLIGATIONS OF THE REPUBLIC OF TAJIKISTAN AND THEIR IMPLEMENTATION

Since 2020, the Republic of Tajikistan has been making attempts to legally integrate international human rights obligations by enshrining the relevant norms in the country's Constitution and in individual legal acts. Nevertheless, a significant gap remains between the formal declaration of rights and their actual implementation.

The Republic of Tajikistan is a party to the following international instruments:

1. International Covenant on Civil and Political Rights (ICCPR) — 1999
   - ✔ Optional Protocol to the International Covenant on Civil and Political Rights (right to individual complaints) — 1999
2. International Covenant on Economic, Social and Cultural Rights (ICESCR) — 1999
3. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) — 1993
   - ✔ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (right to individual complaints) — 2014.
4. Convention on the Rights of the Child (CRC) — 1993
   - ✔ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict — 2002
   - ✔ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography — 2002
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) — 1995
6. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) — 1995
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) — 2002
8. Convention on the Rights of Persons with Disabilities (CRPD) — 2018

The Republic formally complies with international reporting procedures to UN treaty bodies and other structures, including the OSCE. However, these reports often remain declarative, fail to reflect objective progress and are accompanied by systematic non-acceptance or non-implementation of recommendations from international bodies.

For example, the National Action Plan for implementing the recommendations of the UN Committee against Torture for 2019–2022 was limited to formulations such as «issue considered,» «activities conducted» and «amendments made,» without quantitative indicators or analysis of achieved results,[1] and completely ignored recommendations aimed at protecting LGBT people.

Similar gaps are observed in other national plans for fulfilling obligations to UN treaty bodies, indicating a systemic practice of concealing violations of the rights of the LGBT community[2].

[1] Information received from Tajikistan on follow-up to the concluding observations on its third periodic report / UNOCS. – URL: https://docs.un.org/ru/CAT/C/TJK/FCO/3/Add.1

[2] UN Treaty Bodies 2022. – URL: https://ilga.org/resources/annual-treaty-bodies-report-2022-resources/

AT THE NATIONAL LEVEL, INTERNATIONAL HUMAN RIGHTS STANDARDS HAVE BEEN TRANSFORMED INTO THE FOLLOWING LAWS OF THE REPUBLIC OF TAJIKISTAN

LAWS	YES	NO
PROTECTION FROM DISCRIMINATION		
Provision on the prohibition of discrimination in the Constitution	✓	
Separate law on ensuring equality[3]	✓	
Provision on hate crimes in the Criminal Code[4]	✓	
Official statistics on the number of hate crimes based on SOGI		✗
Investigation of crimes against LGBT people as HC		✗
FREEDOM OF SPEECH AND HATE SPEECH		
Law on the prohibition of gay propaganda / direct ban on freedom of speech for LGBT people		✗
Liability (civil, administrative or criminal) for hate speech		✗
Proper investigation of incitement to hatred based on SOGI		✗
LEGISLATION IN THE FIELD OF FAMILY LAW AND DOMESTIC VIOLENCE		
Law/regulation governing the legal status of same-sex couples		✗
Law/regulation allowing adoption of children by same-sex couples		✗
Law on the prohibition of domestic violence[5]	✓	
RIGHT TO HEALTH		
Direct ban on entry for people living with HIV		✗
Conditions/restrictions for PLHIV to visit the country and/or immigrate, such as the requirement to disclose health information (and/or HIV status) when applying for a long-term visa or residence permit	✓	
Criminal or other liability for intentional HIV transmission	✓	
Criminal or other liability for unintentional HIV transmission		✗
Procedure for determining intent in cases of HIV transmission	✓	
Restrictions on blood donation for gays and other MSM		✗
Questions about SOGI (or about “risky sexual behavior,” “sexual life” etc.) in screening procedures or donor forms		✗
Free and regular access to ART for immigrants	✓	

[3] The law does not include SOGI.

[4] SOGI are not included in the list of protected characteristics.

[5] The law does not include SOGI.

LAWS	YES	NO
RIGHT TO HEALTH FOR TRANS PEOPLE		
Law/regulation governing the procedure for legal gender recognition		✗
Requirement of surgical intervention to change the gender marker in the passport		✗
Requirement to obtain a psychiatric diagnosis before accessing the legal gender recognition procedure	✓	✗
Adopted medical protocol for trans people		
FREEDOM OF ASSOCIATION AND NGO FUNDING		
Legal barriers and restrictions on the activities of NGOs that provide HIV prevention services for PLHIV and work with LGBT people	✓	
Possibility for NGOs that provide HIV prevention services for PLHIV and work with LGBT people to receive funding from national and/or local budgets[6]	✓	
Possibility to receive donor support from international organizations and foundations (but subject to strict public reporting requirements and fines)	✓	

[6] There are no officially registered LGBT NGOs in the country

PROBLEMATIC ASPECTS OF LEGISLATION AND LAW ENFORCEMENT PRACTICE IN TAJIKISTAN

Terminology in the CC of the RT regarding sexual autonomy and vulnerable groups. Consensual same-sex relations have been decriminalized since 1998; however, a number of articles on sexual offences still use the terms «sodomy» and «lesbianism» (for example, when describing coercion into sexual acts), which reflects exclusionary practices and social stereotypes. Human rights reviews from 2024 document systemic cases of stigma and practices that complicate LGBT people's access to justice and protection from violence[7].

Restrictions on freedom of religion and personal appearance: On June 20, 2024, Law No. 2048 "On the Regulation of Celebrations and Ceremonies in the Republic of Tajikistan" was adopted, prohibiting clothing "alien to national culture" (including the hijab) and restricting children's participation in Muslim holidays. The law also regulates the rules for holding weddings and other ceremonies[8]. In August 2024, the Council of Ulema approved recommendations prohibiting women from wearing "black," "tight" and "transparent" clothing[9]. Although Law No. 2048 and the fatwa "On National Clothing" of Tajikistan's Islamic Center — Council of Ulema — are formally aimed at regulating religious practices and appearance, their consequences also affect the LGBT community. The imposed norms effectively restrict freedom of gender expression, creating risks for transgender and non-binary people whose clothing or appearance may be deemed "alien to the culture." These restrictions reinforce stigma and discrimination and create a formal pretext for inspections and sanctions.

"In August 2024, a few weeks after the Council of Ulema published its recommendations 'banning' certain types of women's clothing, an incident in central Dushanbe demonstrated the growing discriminatory risks for LGBT youth. A group of non-binary teenagers was publicly insulted for their appearance. When they turned to a police officer for protection, they were told that there was 'no violation' and that they should 'dress in accordance with Tajik culture.' Thus, the police effectively endorsed the stigma and humiliation, showing how such norms, without directly mentioning the LGBT community, reinforce social prejudice and undermine access to protection from the state."

As a result, state control over appearance undermines the guarantees of freedom of expression enshrined in international treaties and leads to even greater self-censorship among all citizens, including LGBT people.

Easing criminal prosecution for "likes" on social media: On May 14, 2025, the President signed a law decriminalizing "likes" and reactions on social media to materials deemed extremist.

[7] Rights for all? LGBTIQ persons in Tajikistan systematically denied human rights / IPHR. – February 2024. – URL: https://iphronline.org/wp-content/uploads/2024/02/tajikistan-lgbt-report-2024-ru.pdf

[8] The President of Tajikistan signs the law banning «idgardak» and alien garments. – Asia-Plus, June 20, 2024. – URL: https://asiaplustj.info/ru/news/tajikistan/power/20240620/prezident-tadzhikistana-podpisal-zakon-zapretshayutshii-id-gardak-i-chuzhduyu-odezhdu

[9] Shuroi Ulamo issues fatwa on Tajik national clothing. – Asia-Plus, July 29, 2024. – URL: https://asiaplustj.info/ru/news/tajikistan/society/20240729/sovet-ulemov-tadzhikistana-izdal-fetvu-o-natsionalnoi-odezhde

According to official sources, by that time, more than 1,500 people had already been convicted on such grounds[10]. Before the amendments, any interaction on social media — for example, «liking» or reposting materials about LGBT rights, discrimination or even international reports — could be interpreted as «support for extremism.» This was especially the case when the authors of such posts were activists based outside the country. There are known cases where these provisions were used to persecute activists, bloggers and human rights defenders.

Anti-discrimination legislation and LGBT rights: In 2020, a working group was established to draft the country's first anti-discrimination law that would include sexual orientation and gender identity (SOGI) as protected characteristics. By the time the law was adopted in July 2022, these provisions had been removed, leaving only «sex» among the protected grounds[11]. There are also reports of persecution against LGBT people, including forced HIV testing and other rights violations[12].

Repression of human rights defenders: In the Gorno-Badakhshan autonomous oblast (GBAO), mass arrests of protesters took place in 2021–2022, many of whom received lengthy prison sentences. The practice continues: for example, human rights defender, lawyer and head of the Pamir Lawyers Association, Manuchehr Kholiknazarov, was sentenced to 16 years in prison for peaceful activities. The repression in GBAO, including the case of Manuchehr Kholiknazarov, demonstrates that state authorities in Tajikistan use criminal prosecution against human rights defenders working on any «sensitive topics.» For activists working on SOGI and HIV issues, this creates a particularly unsafe environment: the risk of arbitrary arrests and harsh sentences is compounded by an atmosphere of fear and self-censorship, forcing organizations and individual activists to hide their work and limit human rights activities to avoid pressure from the authorities.

A harsh policy against NGOs, which resulted in the liquidation of over 700 organizations from May 2022 to August 2023 and which intensified particularly after the events in GBAO, directly affects LGBT initiatives and HIV service organizations. Officially, the authorities attribute the mass closures to financial difficulties, but in practice, the pressure and forced "self-liquidation" created an atmosphere of fear and mistrust. In this environment, organizations working on SOGI and HIV are forced to minimize public activity, reduce programs or move into the "informal sphere," where their work becomes less visible and more protected. Increased control by the Ministry of Justice of the Republic of Tajikistan and the threat of liquidation push such initiatives toward self-censorship, avoiding explicit references to vulnerable groups in their statutes and limiting partnerships with international donors. As a result, human rights and service work in the areas of LGBT and HIV loses stability, and community access to support and services is further reduced. The UN Special Rapporteur on human rights defenders criticized the situation of NGOs in Tajikistan and called on the authorities to stop pressuring and harassing organizations[14].

[10] Tajikistan decriminalises 'liking' social media posts deemed extremist / Reuters. – May 14, 2025. – URL: https://www.reuters.com/world/asia-pacific/tajikistan-decriminalises-liking-social-media-posts-deemed-extremist-2025-05-14/

[11] Annual Review 2025: Tajikistan / Ilga Europe – February 2025. – URL: https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Tajikistan.pdf

[12] Tajikistan: LGBTI rights report. «Rights for all? LGBTIQ persons in Tajikistan systematically denied human rights» / IPHR. – February 2024. – URL: https://iphronline.org/wp-content/uploads/2024/02/tajikistan-lgbt-report-2024-ru.pdf

[13] Nearly 700 NGOs liquidated in Tajikistan: reasons and consequences / Asia-Plus. – August 17, 2023. – URL: https://www.asiaplustj.info/ru/news/tajikistan/society/20230817/v-tadzhikistane-likvidirovalis-pochti-700-npo-pochemu-eto-ploho-i-kuda-idyom

[14] Tajikistan: Liquidation of over 700 non-governmental organisations from May 2022 to August 2023 (Joint Communication). – Special Procedures of the Human Rights Council/ProtectDefenders.eu, 8 May, 2024. – URL: https://srdefenders.org/tajikistan-liquidation-of-over-700-non-governmental-organisations-from-may-2022-to-august-2023-joint-communication/

Continued pressure on civil society in 2025. In the first half of 2025, another 29 civil society organizations in Tajikistan officially ceased operations «voluntarily»[15], but numerous reports indicate that this occurred in the context of ongoing pressure from the authorities. Among the reasons were intensified inspections by the Ministry of Justice and tax authorities, reporting requirements that were effectively impossible to meet within the deadlines as well as the threat of unannounced inspections and lawsuits alleging non-compliance with statutory activities. NGO leaders reported verbal warnings, asking them to voluntarily close their organizations to avoid «serious consequences.» For LGBT initiatives and HIV service organizations, this means an even narrower space for activity, a shift to informal work and increased self-censorship.

[15] Post № 1170749798430955 / AsiaPlus. – URL: https://www.facebook.com/asiaplustj/posts/1170749798430955/

LEGISLATION ON PROTECTION AGAINST DISCRIMINATION

In July 2022, Tajikistan adopted the country's first law aimed at establishing the principles of equality and protection against all forms of discrimination. The law defines discrimination as: *"any refusal, preference, restriction or privilege based on (...) sex, religion, disability, age, property status or other circumstances that lead to the deterioration of or hinder the exercise of rights."* [16].

Compliance with international standards. Article 2(2) of the International Covenant on Civil and Political Rights (ICCPR) requires the enjoyment of "all rights" without discrimination on the basis of race, sex, occupation, language, religion, opinion, national or social origin, property, birth or other status, including disability etc.[17] Commentaries on the Covenant emphasize that the term "other status" includes SOGI. Article 17 of the Constitution of Tajikistan guarantees equality before the law regardless of birth, sex, race, religion, language etc., but makes no mention of disability, let alone SOGI. In practice, the definition of discrimination in Tajik law formally covers a broad range of grounds but does not comply with international standards, which require explicit protection on the grounds of "sexual orientation" and "gender identity." The law remains partially deficient in terms of the principle of universal non-discrimination.

The initial draft of the anti-discrimination law indeed included SOGI among the protected characteristics. This wording aligned with Tajikistan's international obligations, particularly the norms of the ICCPR, ICESCR and the recommendations of UN treaty bodies, which have repeatedly emphasized the need to ensure the protection of LGBT people from discrimination in legislation. However, during the discussion and revision of the document, these provisions were excluded.

Application of the law in practice. Although the law does not list SOGI, the set of grounds protected from discrimination is open-ended. The law covers definitions of direct and indirect discrimination, harassment, workplace persecution, hate propaganda and segregation. It also outlines the competencies of state bodies and local self-government bodies regarding the promotion of equality in the country.

The law vests enforcement in the Human Rights Commissioner of Tajikistan ***(Ombudsperson)*** and their office, making it the primary authorized body for receiving complaints, monitoring and evaluating anti-discrimination legislation.

Despite the mechanisms adopted three years ago, there are no known cases of LGBT people submitting complaints to the Ombudsperson. This may indicate serious barriers in access to justice, driven by stigma, lack of trust and limited legal protection.

[16] Law of the Republic of Tajikistan «On Equality and Elimination of All Forms of Discrimination.» No. 1890 of July 19, 2022. – URL: https://cis-legislation.com/document.fwx?rgn=142287&

[17] Tajikistan: A Brief on Constitutional and Legal Guarantees to Non-Discrimination, Equality, and Education — Information for the Committee on Economic, Social, and Cultural Rights, 67th Pre-Sessional Working Group / World Policy Analysis Center (UCLA). – October, 2020. URL: https://www.worldpolicycenter.org/sites/default/files/2023-03/CESCR_WORLD%20Policy%20Analysis%20Center_Tajikistan_PSWG67.pdf

The Equality Law, although important as a first step in the development of anti-discrimination legislation, remains a surrogate for international standards. It formally prohibits discrimination on a wide range of grounds — but without explicit protection for LGBT people, making it an incomplete instrument.

Analysis of the coverage of LGBT and HIV issues in the annual Reports of the Human Rights Commissioner of the Republic of Tajikistan. An analysis of the annual reports of the Human Rights Commissioner of the Republic of Tajikistan[18] over recent years showed that topics related to LGBT rights are completely absent from these documents. Terminology reflecting SOGI issues is not used in official materials. This indicates that the activities of the national human rights institution, in terms of monitoring and reporting, do not cover one of the vulnerable groups recognized by international standards as being at increased risk of discrimination and rights violations. With regard to people living with HIV (PLHIV), annual reports contain only occasional mentions — primarily in the context of preventive measures in detention facilities and other closed institutions. These references are technical and medical in nature and are not accompanied by legal or human rights analysis, nor do they consider PLHIV as a group subject to structural discrimination.

According to approaches established in UN international treaties, including the Guidelines for National Human Rights Institutions (Paris Principles), the Ombudsperson's mandate should include comprehensive monitoring of the rights of all individuals without exception, including groups at risk of marginalization, stigma or social exclusion. The absence of systematic references to LGBT people and the limited mention of PLHIV only in the context of prevention in closed institutions does not comply with the principles of universality and non-discrimination enshrined in Article 2 of the Universal Declaration of Human Rights and Article 26 of the International Covenant on Civil and Political Rights.

Thus, the analysis of the Ombudsperson's reports for 2020–2024 reveals a limited mandate regarding the protection of vulnerable groups, which reduces the alignment of national human rights reporting with international standards and the recommendations of UN treaty bodies.

[18] The annual report of the Commissioner for Human Rights in the Republic of Tajikistan was presented / Commissioner for Human Rights in the Republic of Tajikistan. – 2022. – URL: http://ombudsman.tj/ru/2022-01-19-17-28-33/21-2022-01-19-17-39-11/551-predstavlen-ocherednoj-ezhegodnyj-doklad-upolnomochennogo-po-pravam-cheloveka-v-respubliki-tadzhikistan.html

HATE CRIMES IN NATIONAL LEGISLATION

The legislation of the RT does not specifically define the concept of «hate crime.» The national legal system lacks a comprehensive provision that would define crimes committed on the basis of hatred toward a particular social group.

Nevertheless, the Criminal Code of Tajikistan includes provisions that can be considered as partially related to hate crimes:

- Article 189 of the CC of the RT — “Incitement of national, racial, local or religious enmity”;
- Articles 104 (Murder) and 110 (Intentional infliction of grievous bodily harm) — aggravating circumstances include the commission of a crime motivated by national, racial or religious hatred[19].

Additionally, the list of aggravating circumstances includes motives of hostility or revenge connected to a person’s particular affiliation. However, all these provisions apply to a limited set of characteristics: nationality, race, place of origin, religion, while SOGI and HIV status are not among the characteristics that qualify for additional protection.

Attacks or discrimination against LGBT people are not classified as hate crimes. In law enforcement practice, such cases are most often categorized as assault, threats or hooliganism, without recognizing their discriminatory nature and without recording them in relevant statistics. As a result, LGBT people may remain a legally unprotected group despite their factual vulnerability, which is inconsistent with Tajikistan’s international obligations under the UN system.

[19] Criminal Code of the Republic of Tajikistan of May 21, 1998 No. 574 (as amended and supplemented as of May 14, 2025). – URL: https://continent-online.com/Document/?doc_id=30397325#pos=1468;-57

HIV-RELATED LEGISLATION: CRIMINALIZATION OF HIV AND ITS EVOLUTION (2020–2025)

Tajikistan still criminalizes the transmission of HIV and even «creating a threat of infection» (Article 125 of the CC of the RT)[20]. In 2019, the parliament increased penalties, and intentional HIV transmission was reclassified as a "serious" crime with harsher sanctions (judicial practice under Article 142 of the CC of the RT also covered cases related to HIV)[21]. In 2023–2024, the Supreme Court of the RT took the first step toward humanization. The Plenum of the Supreme Court of the RT adopted a clarification on HIV-related cases aimed at unifying judicial practice and ensuring the correct application of the law. This decision is seen as the beginning of a gradual shift toward decriminalizing certain offenses and situations[22].

In a broader context, international bodies emphasize that the continued criminalization of the "threat of HIV infection or HIV transmission" (Article 125 of the CC of the RT) and its practical enforcement constitute a serious obstacle to the realization of the rights of PLHIV. This provision not only exacerbates stigma and discrimination, but also creates a chilling effect, limiting access to essential medical and social services.

Although the Plenum of the Supreme Court has taken steps toward a more humane application of the law, the criminal provision itself remains in force. This continues to negatively impact people's willingness to undergo voluntary testing, disclose their HIV status, build family relationships and exercise their rights to health, privacy and freedom from discrimination, as guaranteed by international human rights treaties[23].

Legal assistance for PLHIV. The provision of free legal assistance is regulated by the Law of the RT "On Advocacy and Legal Practice." Article 32 establishes free legal assistance for a number of categories and cases: alimony, reinstatement at work, people with disabilities, individuals who lost a principal provider in conflicts, refugees, complaints regarding electoral lists, conscripts regarding conscription and minors without legal representatives. There is no specific mention of PLHIV in the list[24].

Restrictions in professional and educational opportunities for PLHIV. In Tajikistan, de facto barriers for PLHIV persist in several fields, including education and healthcare. HIV has been included in lists of "disqualifying conditions" for certain professions and types of education.

[20] Criminal Code of the Republic of Tajikistan of May 21, 1998 No. 574 (as amended and supplemented as of May 14, 2025). – URL: https://continent-online.com/Document/?doc_id=30397325#pos=1468;-57

[21] Tajikistan: Parliament approves amendment increasing prison sentences for "intentional" HIV transmission. URL: https://www.hivjustice.net/news-from-other-sources/tajikistan-parliament-approves-amendment-increasing-prison-sentences-for-intentional-hiv-transmission/

[22] First step towards decriminalisation of HIV/AIDS in the Republic of Tajikistan / HIV Justice Network. – URL: https://www.eatg.org/hiv-news/first-step-towards-decriminalisation-of-hiv-aids-in-the-republic-of-tajikistan/

[23] Feature Story. Tajikistan takes a positive step towards decriminalization of HIV exposure and transmission. – UNAIDS. – 2024. – URL: https://www.unaids.org/en/resources/presscentre/featurestories/2024/january/300124_Tajikistan_decrim_steps_hiv_exposure

[24] Law of the RT "On Advocacy and Legal Practice." – 2016. – URL: http://www.portali-huquqi.tj/publicadliya/view_qonun-hoview.php?showdetail=&asosi_id=17201

There have been cases of expelling HIV-positive students from medical universities and denying admission to applicants with HIV, despite national legislation prohibiting discrimination. This demonstrates a mismatch between practice and the principle of equal access to employment and education[25].

Mandatory medical examinations, including HIV testing. In Tajikistan, a mandatory medical examination is required before marriage registration; the civil registry office (CRO) is not permitted to register a marriage without a medical certificate. The list of examinations includes an HIV test. Couples must be informed of each other's results[26]. At the 2024 session of the Committee on the Elimination of Discrimination against Women (CEDAW), the delegation of Tajikistan confirmed that mandatory HIV testing as a prerequisite for marriage remains in force. The state representatives asserted that, in their view, this practice "does not restrict the rights of individuals entering into marriage." However, this approach raises serious concerns from a human rights perspective, as mandatory screening can be considered a form of interference with the right to privacy and violates the principle of voluntariness of medical interventions, as enshrined in UN human rights and health treaties. This response was officially recorded in the transcript of the UN Committee meeting[27].

The impact of suspension and reduction of funding on the right to health and HIV prevention in the Republic of Tajikistan. Tajikistan is demonstrating progress in HIV prevention, implementing its 2021–2025 program and receiving substantial international support. However, the sustainability of this success is now under threat due to reliance on external funding, particularly in the context of a sharp reduction in international financial support in 2025, stigma and limited access to services for key populations.

The suspension of USAID funding in March 2025 caused significant disruptions in Tajikistan's HIV response: ART coverage declined, testing and counseling were reduced, service NGOs supporting vulnerable groups suspended operations, and around 1,700 individuals from key populations lost access to life-saving services[28]. This is a clear example of retrogression, which under international practice (CESCR) is permissible only with strong justification and viable alternatives. Since approximately 61% of the national HIV program budget depends on external funding (including about 20% from the U.S.), this situation threatens the sustainability of services and the country's progress toward meeting UNAIDS and SDG targets by 2030[29].

[25] Tajikistan Approves a List of 50 Diseases That Can End a Medical Career / Radio Ozodi. – October 16, 2018. – URL: https://rus.ozodi.org/a/29546077.html

[26] Human rights of people living with HIV in Tajikistan / Article by Larisa Alexandrova. – 2021. – URL: https://fpc.org.uk/human-rights-of-people-living-with-hiv-in-tajikistan/

[27] Committee on the Elimination of Discrimination against Women. – Summary record of the 2034th meeting. CEDAW/SR.2034. – 2024. – URL: https://docs.un.org/en/CEDAW/C/SR.2034

[28] Status of HIV programmes in Tajikistan / UNAIDS. – March 5, 2025. – URL: https://www.unaids.org/en/resources/press-centre/featurestories/2025/march/20250305_Tajikistan_fs

[29] Impact of US funding cuts on HIV programmes in Tajikistan / UNAIDS. – March 19, 2025. – URL: https://www.unaids.org/en/resources/presscentre/featurestories/2025/march/20250319_Tajikistan_fs

LEGAL GENDER RECOGNITION

According to Article 74 of the Law of Tajikistan «On State Registration of Civil Status Acts,» CROs have the authority to make amendments to civil status records, including birth certificates, based on a medical report of an approved format confirming the fact of gender reassignment. This formally legalizes the possibility of changing one's gender marker as well as surname and given name in official documents, provided the required medical document is available[30]. However, in practice, the implementation of this right is completely blocked:

- There is no approved format or official template for the required medical certificate.
- Consequently, there are no authorized medical institutions that can issue such a certificate, which makes the procedure effectively impossible[31].

According to ILGA-Europe (2025), CROs may refuse applications and refer individuals to court due to the absence of regulatory procedures and fear of potential consequences — a situation characterized as legal uncertainty[32].

[30] Law of the Republic of Tajikistan No. 2117 of January 2, 2025 «On State Registration of Civil Status Acts.» – URL: https://cis-legislation.com/document.fwx?rgn=164211

[31] Human Rights Violations Based on Sexual Orientation and Gender Identity in Tajikistan / Alternative Report to the Third Periodic Report of Tajikistan under the International Covenant on Civil and Political Rights. – 126th Session of the UN Human Rights Committee, June 2019. – URL: https://ccprcentre.org/files/documents/INT_CCPR_CSS_TJK_35069_E.pdf

[32] Annual Review 2025: Tajikistan / ILGA-Europe. – Brussels, February 2025. – URL: https://www.ilga-europe.org/files/uploads/2025/02/Annual-Review-2025-Tajikistan.pdf

LEGISLATION IN THE FIELD OF FAMILY LAW AND DOMESTIC VIOLENCE

Family law in the Republic of Tajikistan is based on traditional views on marriage and family and does not recognize same-sex unions. The Constitution and the Family Code of the RT define marriage exclusively as a union between a man and a woman, which automatically excludes LGBT people from the legal framework related to family law. The lack of legal recognition of same-sex partnerships means that LGBT people have no access to marriage-related rights and guarantees such as joint property, inheritance, alimony, custody and the right to make healthcare decisions for their partner.

The issue of sexual autonomy also remains sensitive. On the one hand, the law formally enshrines the principle of consent in marriage and the equality of spouses. On the other hand, practice shows the prevalence of forced marriages, including for the "correction" of SOGI. LGBT youth may be pressured by their families into entering a heterosexual marriage, which constitutes a gross violation of the right to freely choose a partner and the right to sexual autonomy.

The Law "On the Prevention of Domestic Violence" (2013) was a step forward in recognizing domestic violence at the legislative level. It provides for protective measures, including restraining orders and the possibility to temporarily place victims in crisis centers. However, the law has significant gaps. First, it does not include SOGI among the characteristics requiring special attention. Second, the mechanisms of protection are mostly oriented toward heterosexual marriages and partnerships, whereas LGBT people often face violence from parents, siblings or other family members — situations that go beyond the "spouse–spouse" model set out in the law.

International treaty bodies also highlight systemic weaknesses in national legislation. For instance, in its concluding observations on Tajikistan's 7th periodic report (2024), the CEDAW Committee expressed concern that the 2013 Law "On the Prevention of Domestic Violence" does not criminalize domestic violence and "lacks effective implementation mechanisms[33]." Earlier, in 2018, the same Committee noted "the high prevalence of patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and in society, which perpetuate discrimination and gender-based violence."

According to UNDP (2021), 20% of women in Tajikistan have experienced physical violence, and 31% have experienced psychological or sexual violence from their partners[34]. According to UN Women (2018), 14% of women aged 15–49 reported physical and/or sexual violence from a current or former partner in the past year[35]. UN Women (2024) also reports that 20% of married women have experienced emotional, physical or sexual violence[36].

[33] Concluding observations on the seventh periodic report of Tajikistan / Document C/TJK/CO/7. – URL: https://docs.un.org/en/CEDAW/C/TJK/CO/7

[34] One call can change a life: Hotline supporting survivors of gender-based violence / United Nations Sustainable Development Group. – URL: https://unsdg.un.org/latest/stories/one-call-can-change-life-hotline-supporting-survivors-gender-based-violence

[35] Country Fact Sheet: Tajikistan. Women Count Data Hub / UN Women. – URL: https://data.unwomen.org/country/tajikistan

[36] Tajikistan / UN Women. Eastern Europe & Central Asia. – URL: https://eca.unwomen.org/en/where-we-are/tajikistan

The high levels of domestic and partner violence in Tajikistan, documented by UNDP, UN Women and UNICEF, reflect deeply entrenched sociocultural norms that justify violence against women. This is directly linked to violations of sexual autonomy, as societal and family attitudes deny both women and LGBT people the right to exercise autonomy over their own bodies and choose partners and relationships free from the risk of violence or coercion. These same attitudes directly affect LGBT people: ideas about "traditional" roles and the acceptability of partner or family control increase the risk of domestic violence when sexual orientation or gender identity is involved. LGBT youth and adults often face not only physical and psychological violence from partners but also pressure from relatives, including expulsion from home, forced marriages or "corrective" violence. In a context where a significant share of society considers physical abuse justified, LGBT people are deprived of the opportunity to seek protection within their families or from the state. This is exacerbated by the absence of anti-discrimination provisions and the lack of specific protection mechanisms for LGBT people in the legislation that prevents domestic violence, leaving vulnerable groups effectively without legal protection or access to support.

RECOMMENDATIONS

1 *Legal framework*

- Adopt a comprehensive anti-discrimination law that explicitly includes sexual orientation, gender identity, gender expression and sex characteristics among the protected grounds.
- Provide for effective legal remedies: a presumption of discrimination when differential treatment is established, a shared burden of proof and the possibility for NGOs to file collective claims.
- Establish an administrative, accessible, fast and non-discriminatory procedure for legal gender recognition (change of sex/name/gender marker in documents), based on self-determination and without requirements for surgical interventions, sterilization, a "disorder" diagnosis, a court decision or divorce.
- Approve a standard medical report format (only at the applicant's request, without mandatory requirements) and a list of authorized bodies, including the CRO; introduce reasonable timeframes and fixed state fees for the necessary services.
- Align criminal provisions related to HIV with UN guidelines: limit criminal liability to cases of intentional and proven transmission, eliminate the provision on "creating a threat" and ensure the protection of HIV status confidentiality.
- Abolish forced testing practices and any testing requirements that violate privacy (e.g., in the context of marriage).
- Introduce into the CC a qualifying circumstance of "hatred/hostility/prejudice based on SOGI" and establish an aggravating motive for all relevant offenses (violence, threats, property damage etc.).
- Approve standardized definitions of "incitement to hatred" and "hostile rhetoric" with protection of freedom of expression for human rights activities.
- Remove vague provisions on "immorality" / "alien culture" from regulations governing appearance; ensure that clothing regulations do not apply to gender expression.

2 *Law enforcement and protection from abuse*

- Introduce guidelines for state authorities on non-discriminatory treatment of LGBT people and prohibit outing and the requirement of "corrective" medical examinations.
- Ensure effective, impartial and prompt investigation of reports of violence and extortion against LGBT people and PLHIV, including when perpetrated by officials.

3 *The right to health and HIV services*

- Ensure continuity of ART, prevention and low-threshold services; in the face of declining donor funding, approve financing from the state budget and a sustainability plan.
- Implement a zero-tolerance policy for discrimination in healthcare facilities; ensure data confidentiality.

4 *Access to justice and protection for survivors of violence*

- ✔ Include explicit guarantees for LGBT people in the law on domestic violence prevention, recognize the «right to sexual autonomy» and provide for protective orders and non-discriminatory access to shelters.
- ✔ Ensure pro bono legal assistance and psychological support for LGBT people and PLHIV; establish secure complaint mechanisms with the possibility of anonymous reporting.

5 *Institutional mechanisms, monitoring and participation*

- ✔ Strengthen the work of the Ombudsperson in protecting people based on SOGI; provide powers to conduct investigation, request information and recommend sanctions.
- ✔ Include SOGI and HIV indicators in national strategies (human rights, health, education, youth issues) and in SDG reporting.
- ✔ Institutionalize the participation of LGBT community NGOs and HIV service organizations in policy development and ensure public discussions.

