

Gender Equality and Non-Discrimination

**Tajikistan's 3rd Universal Periodic Review
37th Session
November 2021**

This advocacy paper was developed by the Centre of Civil and Political Rights¹ and the Bureau of Human Rights and Rule of Law² in support of Tajikistan's Universal Periodic Review in the UN Human Rights Council in 2021. The paper uses and presents material provided by several national NGOs, including their information and recommendations.

Issue

Despite measures taken by the Government since the last UPR, including introduction of new legislation, presidential grants for business women and university quotas for girls from remote rural areas, **discrimination against women** persists. Public monitoring shows lack of efficiency in implementing governmental programmes on gender equality. Victims of domestic violence have fairly limited access to necessary services, despite the country having 33 crisis centres for women. Domestic violence is not criminalized, and online violence against is on the rise, including websites created specifically to publicly shame girls and women. Systemic obstacles to gender equality include low capacity of state mechanisms, lack of regular monitoring and evaluation, insufficient funding, insufficient inter-agency cooperation, and others. The governmental list of prohibited professions for women persists.

Tajikistan's 2017 Public Healthcare Code prohibits **discrimination based on HIV-status**. The Government introduced the National Programme of Action against HIV for 2017-2020. However, people living with HIV still face stigma and discrimination. Article 125 of the Criminal Code criminalises HIV transmission; non-disclosure of contacts by a person with HIV is criminalised by fines. People living with HIV are not allowed to study in health education institutions. CSOs report significant increase of cases of violence and discrimination against **women living with HIV**. A 2017 survey showed that there were still misconceptions about HIV transmission. Women living with HIV are subjected to discrimination and violence in family and communities,

1 The Centre of Civil and Political Rights is a Geneva-based, independent, non-governmental organisation seeking to realise the vision of a world where the civil and political rights are protected, respected and fulfilled for everyone without discrimination through universal ratification and implementation of the International Covenant on Civil and Political Rights.

2 The Bureau of Human Rights and Rule of Law is a non-governmental human rights organisation registered in the Republic of Tajikistan that promotes human rights and fundamental freedoms, implementation of international human rights standards in the national legislation and practice and democratic reforms in Tajikistan.

as well as from health workers and policemen. Their access to public healthcare and reproductive rights is impeded; the right of parents or legal representatives of children delivered by mothers with HIV to receive milk substitutes is not supported by an implementation mechanism.

Tajikistan signed the Convention on the **Rights of Persons with Disabilities** (CRPD) in 2018 and adopted, in 2020, a National Plan of Action aimed at its ratification. The 2020 parliamentary elections saw increased conditions for voting of persons with disabilities. However, persons with disabilities still face obstacles in realising their rights in practice, caused for example by absence of sign language interpreters, lack of access to education, inadequate housing; they face domestic violence (including rape by family members), self-stigmatisation, dismissal from work. Women and girls with disabilities have limited access to reproductive rights and are regularly exposed to domestic violence.

Recommendations of the UN Human Rights Committee (2019)

In its Concluding Observations on the 3rd periodic report of Tajikistan in 2019, the UN Human Rights Committee expressed concern over the continued underrepresentation of women in political and public life, including parliament, judiciary, executive and local authorities. The Committee also pointed out the problem of polygamy that persisted in practice despite legal prohibition. The Committee recommended that Tajikistan **“strengthen the measures aimed at ensuring gender equality, including by: (a) stepping up efforts to achieve within specific time frames an equitable representation of women in political and public life, including in the parliament, in executive bodies at national and local levels and in the judiciary, particularly in decision-making positions, if necessary through appropriate temporary special measures, to give effect to the provisions of the Covenant; and (b) enforcing effectively the legal prohibition of polygamy and conducting targeted community awareness-raising campaigns.”**

In the same Concluding Observations, the Committee expressed concern that *“the existing legal framework does not afford comprehensive protection against discrimination on all the grounds prohibited under the Covenant”*. It recommended the country to **ensure measures against discrimination on all grounds** protected by the Covenant, including “colour, opinion, birth, sexual orientation, gender identity and other status, as well as access to effective and appropriate remedies for victims of discrimination.”

Suggested advance questions to ask during the UPR dialogue

1. How is the State Party planning to improve the situation with women's rights, including protection of victims of domestic violence?
2. How is the State Party planning to ensure protection against all grounds of discrimination, including by adopting comprehensive legislation?
3. What is the progress of Tajikistan in completing the ratification process for the Convention on the Rights of Persons with Disabilities?

Suggested recommendations

1. Adopt legislation on gender discrimination and against discrimination on all grounds according to international human rights law
2. Criminalize all forms of gender violence, including spousal sexual assault and online violence and ensure support for crisis centers for women - victims of violence, improve implementation of the Law "On the State Guarantees of Equality between Men and Women, and Equal Opportunities of their Realisation"
3. Engage more actively CSOs in the process of development, implementation, monitoring and evaluation of policy for ensuring the actual equality of women
4. Decriminalise HIV transmission, including Article 125 of the Criminal Code and limiting criminalisation only to the cases that account for infliction of grievous bodily harm
5. Abolish discrimination of people living with HIV, including their access to health services and education
6. Bring to responsibility doctors, government officials for discrimination and disclosure of confidential information
7. Reduce a list of occupations prohibited for women
8. Ratify the UN Convention on the Rights of Persons with Disabilities and adopt a new law to protect their rights



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