

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on freedom of religion or belief and the Working Group on discrimination against women and girls

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22 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur in the field of cultural rights; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on freedom of religion or belief and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 58/14, 55/5, 52/9, 58/5 and 50/18.

In this connection, we write to express our serious concern regarding Law No. 2048 “On the Regulation of Traditions and Ceremonies in the Republic of Tajikistan” (“Law”), as amended in 2024, which imposes significant restrictions on expressions of cultural and religious identities. Among other provisions, the Law bans clothing deemed “alien to national culture”; prohibits children from participating in celebrations for two Muslim holidays, Eid al-Fitr and Eid al-Adha; limits celebrations for pilgrims returning from Hajj; and restricts the scale and scope of weddings and other ceremonial gatherings. While the Law is presented as a measure to curb excessive expenditures, preserve national values and prevent extremism, we are concerned that it unjustifiably restricts a range of fundamental human rights, including freedoms of expression, freedom of religion or belief and cultural rights, and may counterproductively undermine social cohesion and efforts to prevent violent extremism.

We recall that Special Procedures mandate-holders have previously expressed concerns regarding Tajikistan’s counter-terrorism and extremism legal framework (see communication [TJK 5/2022](#)). Furthermore, during her 2023 country visit to Tajikistan, the Special Rapporteur on freedom of religion or belief expressed concern over the overly broad and vague interpretation of “extremism,” which, in her view, enables arbitrary application of the law, facilitates excessive State control over religious communities and activities, and ultimately undermines the rights to freedom of religion or belief, expression, and peaceful assembly ([A/HRC/55/47/Add.1](#)).

Background and summary of key provisions

The Law was originally enacted in 2007 and was amended to introduce stricter regulations on attire and public ceremonies. These amendments entered into force on 20 June 2024. Under the amended Law, citizens and legal entities of the Republic of Tajikistan are “obliged to observe the pillars of national culture, including the state language and wearing national clothes.” Specifically, the Law:

- Restricts import, sale, or promotion of clothes alien to national culture, as well as wearing such clothes in public places (article 18(5));
- Prohibits children from collecting gifts and sweets from people in the neighbourhood to celebrate two Muslim holidays of Ramadan (Eid al-Fitr) and Kurban Bayram (Eid al-Adha.) (article 9(2));
- In relation to the rituals of the Hajj (pilgrimage), prohibits festive celebrations for pilgrims returning from Mecca and instead requires pilgrims to do specified “charity work,” including road renovation, water line construction, and the construction or repair of social facilities and bridges (article 13(3));
- Prevents excessive spending on family celebrations and festivities, establishes new rules for conducting weddings. The Law provides that no more than four cars are allowed in wedding processions, and the number of guests is limited to 150 people. Wedding celebrations cannot be longer than two days and must be conducted during specified hours at home or at approved facilities (article 12(1)). Instead of hosting a banquet, citizens are encouraged to donate the money to “charity” such as road repair, laying of water lines, and the construction or repair of facilities (article 12(4)-(5)).

The Law provides that local executive bodies of state power will be responsible for its enforcement, including special committees that will monitor celebrations and ceremonies. These bodies will be obligated to conduct educational activities for public and religious organizations to ensure compliance with the Law (article 19).

Article 481 of the Code of Administrative Offences provides substantial fines for breaches of these provisions, ranging from 8,000 to 54,000 Somoni.

On 20 June 2024, the Presidential Office of Tajikistan stated that the Law aims “[t]o protect the original values of national culture, prevent superstition and fanaticism, curb extravagance in celebrations and ceremonies, elevate the spirituality of the Tajik people, and protect the rights and freedoms of children, fostering their education in the spirit of humanism and patriotism.”¹ Your Excellency’s Government has further asserted that these measures seek to “harmonize cultural preservation with religious practices”, ensuring traditional values while upholding freedom of religious expression.

¹ <https://perma.cc/5TRY-GD3E>.

Compatibility with International Human Rights Law

We are concerned that provisions of Law No. 2048 appear incompatible with Tajikistan's obligations under international human rights law, particularly with regard to the rights to freedom of religion or belief, freedom of expression, cultural rights, non-discrimination and rights of the child.

Freedom of religion or belief

The ban on clothing deemed "alien to national culture" appears to infringe the right to freedom of religion or belief under article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Tajikistan acceded in 1999. Article 18 protects not only the right to hold religious beliefs, but also the right to manifest those beliefs individually or in community with others, in public or in private, *inter alia* through observance, practice, and attire and as determined by the followers themselves. We recall that general comment No. 22 of the Human Rights Committee clarifies that the freedom to manifest religion includes the wearing of distinctive clothing or head coverings, including those associated with Islam and various Muslim communities and expressions. Generalized prohibitions targeting specific forms of religious dress, especially when vaguely defined and stigmatized as "alien," are unlikely to meet the strict requirements of legality, necessity, proportionality and non-discrimination under international law.

Freedom of expression

Moreover, we are concerned that the Law may violate article 19 of the ICCPR, which guarantees the right to freedom of expression, including the right to express identity and beliefs through dress and ceremonial practice. According to the Human Rights Committee, any restrictions on the right of expression must be provided by law, serve a legitimate aim, and be necessary and proportionate to that aim. The use of indeterminate language such as "alien to national culture" is inherently vague and open to abusive interpretation and arbitrary enforcement, potentially targeting minority or religious communities.

Cultural rights

We are similarly concerned about the Law's implications for cultural rights, particularly under article 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Tajikistan ratified in 1999, and article 27 of the ICCPR. These provisions guarantee everyone the right to take part in cultural life. The Committee on Economic, Social and Cultural Rights has affirmed in its general comment No. 21 (E/C.12/GC/21) that States must respect the right of all persons, including minorities and indigenous peoples, to their cultural diversity, to express their cultural identity freely, to access and manifest their own cultural practices and heritage. This right entails the obligation of States parties to recognize, respect and protect minority cultures as an essential component of the identity of the States themselves. Suppressing diverse cultural or religious customs, such as traditional dress or community rituals, under the guise of enforcing a monolithic national identity, undermines the plurality of cultural expressions and the dignity of minority populations. The Committee also stressed that States must refrain from interfering with the exercise

of cultural practices and recalled the rights of everyone not to be subjected to any form of direct or indirect discrimination, exclusion or forced assimilation based on cultural identity, including as a result of legislation.

Non-discrimination

The UN Human Rights Committee's general comment No. 28 stresses that regulation of clothing to be worn by women in public "may involve a violation of a number of rights guaranteed by the Covenant, such as: article 26, on non-discrimination; [...] article 17, which guarantees all persons the right to privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clothing requirements that are not in keeping with their religion or belief or their right of self-expression; and, lastly, article 27, when the clothing requirements conflict with the culture to which the woman can lay a claim." While the Law does not specifically single out women's clothing, in practice, it is likely to have an adverse differential impact on women and thus constitutes indirect discrimination prohibited under international law.

We recall that article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Tajikistan in 1993, requires States to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women. In its general recommendations 28, 33 and 35, the Committee on the Elimination of Discrimination against Women confirmed that discrimination against women is inextricably linked to other factors that affect their lives, such as minority status, colour, religion or belief and ethnicity/race.

Child rights

The prohibition on children's participation in Muslim holiday celebrations raises concerns under article 14 of the Convention on the Rights of the Child (CRC), ratified by Tajikistan in 1993, which protects the right of the child to freedom of thought, conscience, and religion or belief and its manifestation, including in community with others and in public, as well as their right to participate freely in cultural life. The Committee on the Rights of the Child has consistently emphasized the need to respect children's evolving capacities to participate in religious and cultural life. Preventing children from taking part in significant cultural and religious observances of their families and communities could amount to a form of indirect discrimination and may hinder their right to identity under article 8 of the CRC.

Suppression of identity rights may fuel grievances and violence

We are further concerned that the suppression of expression of religious and cultural identities through such measures may counter-productively undermine efforts to prevent terrorism and violent extremism. The UN Global Counter-Terrorism Strategy (A/RES/60/288), adopted by the General Assembly in 2006 and reaffirmed in multiple resolutions since, underscores in its Pillar I the importance of addressing the conditions conducive to the spread of terrorism, including "violations of human rights", discrimination and exclusion.

By restricting expressions of cultural and religious identities and referring to a vague, undefined and singular concept of “national culture”, the Law risks alienating affected communities and fuelling perceptions of exclusion, resentment and grievances, particularly among religious minorities, youth and marginalized groups, who are also part of the historic, social and cultural fabric of the country. Such restrictions may be perceived as targeting particular communities or as denying them recognition and participation in the cultural and religious life of the nation. These dynamics can ultimately foster environments in which violent extremism can take root.

A rights-based approach to counter-terrorism, as consistently affirmed by the Human Rights Council, General Assembly and the Security Council, demands that States uphold and protect human rights as a central pillar of long-term prevention. Suppressing legitimate forms of expression, identity and belief not only contravenes international law but may also undermine trust in State institutions and erode the very social cohesion needed to build resilience against extremist ideologies. We urge your Excellency’s Government to consider how restrictions on cultural and religious life may ultimately undermine national security objectives by weakening community cooperation and exacerbating the underlying grievances that violent extremist actors seek to exploit.

We remain concerned about the potential coercive enforcement of this Law, which may undermine national harmony and social cohesion, with a disproportionate impact on women and individuals from other religious backgrounds. Practices such as denying women access to healthcare for not adhering to the officially endorsed head covering style, escorting individuals in so-called “foreign” attire or with long beards to police stations for biometric processing and issuing religious guidance restricting women’s clothing choices raise serious concerns about the discriminatory effects of this Law. While presented as efforts to safeguard national identity, such measures may unduly restrict religious and cultural expressions and could be perceived as part of a broader effort to suppress public expressions of Islamic identity. These actions risk eroding social inclusion and fundamental rights, while potentially failing to achieve their stated security objectives.

We respectfully urge your Excellency’s Government to reconsider the above-mentioned provisions of the Law and to undertake a thorough review to ensure that any limitations placed on rights are fully consistent with the principles of legality, necessity and proportionality, and do not discriminate against persons on the basis of religion, culture or belief.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned observations.
2. Please clarify the legal basis, criteria and procedures by which clothing is deemed “alien to national culture.” What safeguards are in place to ensure that such criteria do not result in discrimination on the basis of religion, belief, gender or ethnicity?

3. Please explain how prohibitions on religious and cultural attire are compatible with Tajikistan's obligations under articles 18, 19 and 27 of the ICCPR, article 2 of CEDAW and article 15 of the ICESCR.
4. Please provide information on how the Government has consulted with affected communities, particularly religion or belief minorities and cultural groups, in the development or enforcement of the Law.
5. Please clarify how the Law aligns with Tajikistan's commitments under the UN Global Counter-Terrorism Strategy, particularly in relation to Pillar I and the protection of human rights and non-discrimination as a means of preventing violent extremism.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alexandra Xanthaki

Special Rapporteur in the field of cultural rights

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Nazila Ghanea

Special Rapporteur on freedom of religion or belief

Laura Nyirinkindi

Chair-Rapporteur of the Working Group on discrimination against women and girls