



**“He
left
his
footprint
on my
life”**

**DOMESTIC VIOLENCE IN TAJIKISTAN: TIME
TO RIGHT THE WRONGS**

March 2017

IPHR International
Partnership
for Human Rights

HR HELSINKI FOUNDATION
for HUMAN RIGHTS

NB Nota Bene



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Contents

Executive summary	6
1. Introduction	9
2. Background: women in Tajikistan and vulnerability to domestic violence	12
3. Definitions of domestic violence	17
4. Tajikistan's international responsibility to protect women from violence	19
5. Assessing the scale of domestic violence	21
6. Perpetrators of domestic violence	23
• 6.1 Husbands	23
• 6.2 Mothers-in-law and other family members	26
• 6.3 Desperate acts: the tragic consequences of domestic violence	28
7. State response	29
• 7.1 Domestic legislation	30
• 7.2 Government Action Plan for the Prevention of Violence in the Family	31
8. Obstacles to justice for victims of domestic violence	32
• 8.1 Failure to establish a clear implementation mechanism	32
• 8.2 Lack of recognition that domestic violence primarily affects women	33
• 8.3 Legislative shortcomings and protection gaps	34
• 8.4 Problems with police protection and intervention	36
• 8.5 Problems with accessing medical examinations	40
• 8.6 Victims responsible for pursuing complaints against their abusers in courts	41
• 8.7 Difficulties for victims in providing proof of domestic violence	42
• 8.8 Impunity for perpetrators of domestic violence	44

9. Insufficient service provision	47
• 9.1 Insufficient state investment in support and protection services	48
• 9.2 Nowhere to turn: inadequate temporary shelters and lack of emergency housing	49
• 9.3 Lack of due attention to child welfare in situations of domestic violence	51
10. Changing perceptions of domestic violence	52
11. Conclusion and recommendations	54

List of abbreviations

1. Committee for Women's and Family Affairs: **CoWFA**
2. Criminal Procedure Code of Tajikistan: **CPC**
3. Economic Research Institute at Duke University: **ERID**
4. European Union: **EU**
5. Helsinki Foundation for Human Rights: **HFHR**
6. Institute for War and Peace Reporting: **IWPR**
7. International Partnership for Human Rights: **IPHR**
8. Ministry of Internal Affairs: **MIA**
9. Non-governmental organization: **NGO**
10. Organization for Security and Co-operation in Europe: **OSCE**
11. Prevention of Domestic Violence Project: **PDV**
12. Public Foundation Nota Bene: **Nota Bene**
13. United Nations: **UN**
14. United Nations Committee on the Elimination of Discrimination against Women: **CEDAW**
15. World Health Organization: **WHO**

Executive summary

Four years after Tajikistan's authorities adopted new legislation to prevent violence in the family, a joint report by Nota Bene (Tajikistan), International Partnership for Human Rights (IPHR, Belgium) and Helsinki Foundation for Human Rights (HFHR, Poland) examines why many victims of domestic violence remain without effective protection and support.

The 60-page report entitled "‘He left his footprint on my life’ Domestic violence in Tajikistan: Time to right the wrongs" is based on field research conducted by IPHR in October and November 2016 as well as related desk research and interviews.

The report examines some of the societal attitudes and practices, which serve to perpetuate domestic violence and which too often blame the victim rather than the perpetrator. Public statements made by government officials frequently reinforce entrenched gender stereotypes and gender inequality, which feed domestic violence.

Obtaining a clear picture of the scale of domestic violence against women in Tajikistan is hampered by the lack of comprehensive, detailed statistics. There is no central governmental database providing accessible disaggregated national statistics on domestic violence, and methods of data collection are inconsistent and uncoordinated. Under-reporting is a persistent problem, but nevertheless some studies indicate that as many as one in two women in Tajikistan have been subjected to domestic violence such as physical, psychological or economic abuse at some time in their lives by their husbands, mother-in-laws or other family members.

The adoption of the Law on Prevention of Violence in the Family in 2013 and other positive steps taken by the government to combat domestic violence have been undermined by protection gaps in legislation, weaknesses in the criminal justice system and the failure of the authorities to systematically and comprehensively address the causes of domestic violence.

The report highlights shortcomings in the Law on Prevention of Violence in the Family which include: the failure to establish clear implementation mechanisms; the lack of a clear definition of the relatives covered by the term "family violence"; the failure to criminalize all forms of domestic violence in a manner which would send an unequivocal message about the unacceptability of this crime and thus help to combat impunity; the failure to provide for free legal aid for victims of domestic violence. The Law does not stipulate that local authorities are under the legal obligation to provide shelters for victims of domestic violence, meaning that very few shelters have actually been set up. The tradition of living in extended families is common in Tajikistan due, inter alia, to lack of funds for separate accommodation


for young families. Thus, the lack of legal provisions for a means of escape from home in the form of shelters puts the lives of domestic violence victims directly at risk.

The report examines problems with police intervention in cases of domestic violence. There are ten specialized police inspectors in Tajikistan working exclusively on domestic violence cases. In the areas where they operate, improved responses have been reported by NGOs. However, given the scale of domestic violence in Tajikistan ten officers covering the whole country is inadequate and reports indicate that ordinary police officers are sometimes reluctant to receive or consider complaints from victims.

In addition, victims of domestic violence who sustain minor injuries and who wish to pursue complaints against their aggressors are required to do so in a private capacity through the courts. This system hinders both effective protection for victims as well as their access to justice. Victims face obstacles obtaining free-of-charge medical examinations and in gathering proof of systematic abuse from witnesses.

The lack of meaningful support for those victims who try to pursue their complaints through the courts results in impunity for the perpetrators. During court hearings judges sometimes prioritize the protection of the family unit and fail to adequately inquire into issues of domestic violence. In some cases prosecutions for domestic violence are dropped when the victim reconciles with the perpetrator. The practice of allowing perpetrators to benefit from amnesties contributes to impunity and undermines efforts to put a stop to domestic violence.

Provision of services and support to victims of domestic violence is an international obligation of states. However, in Tajikistan support services remain woefully inadequate. The state has not prioritized funding such services from the central budget. International donors have provided funding and civil society has been a key partner providing support to victims of domestic violence, however, many NGOs now fear they will not be able to continue providing essential services beyond 2017 due to a lack of funding. The report concludes with recommendations to the authorities of Tajikistan and to the international community.



Only 17 days into their marriage, Mavjuda's husband shot her in the thigh. Over the next 14 years he subjected her to persistent violence and abuse. He beat her and stabbed her with knives and forks. He held a knife to her throat and shaved her head. He forced her to eat sheep fodder and then made her bleat like a sheep. He hacked at her back with the blade of a scythe, threatening to send her corpse to her parents. Mavjuda finally left him in June 2015. Since then she has fought to bring her husband to justice, but to this day he still walks free.

1. Introduction

Four years after a law on domestic violence was adopted in Tajikistan, this report examines why many victims of domestic violence remain without effective protection and support.

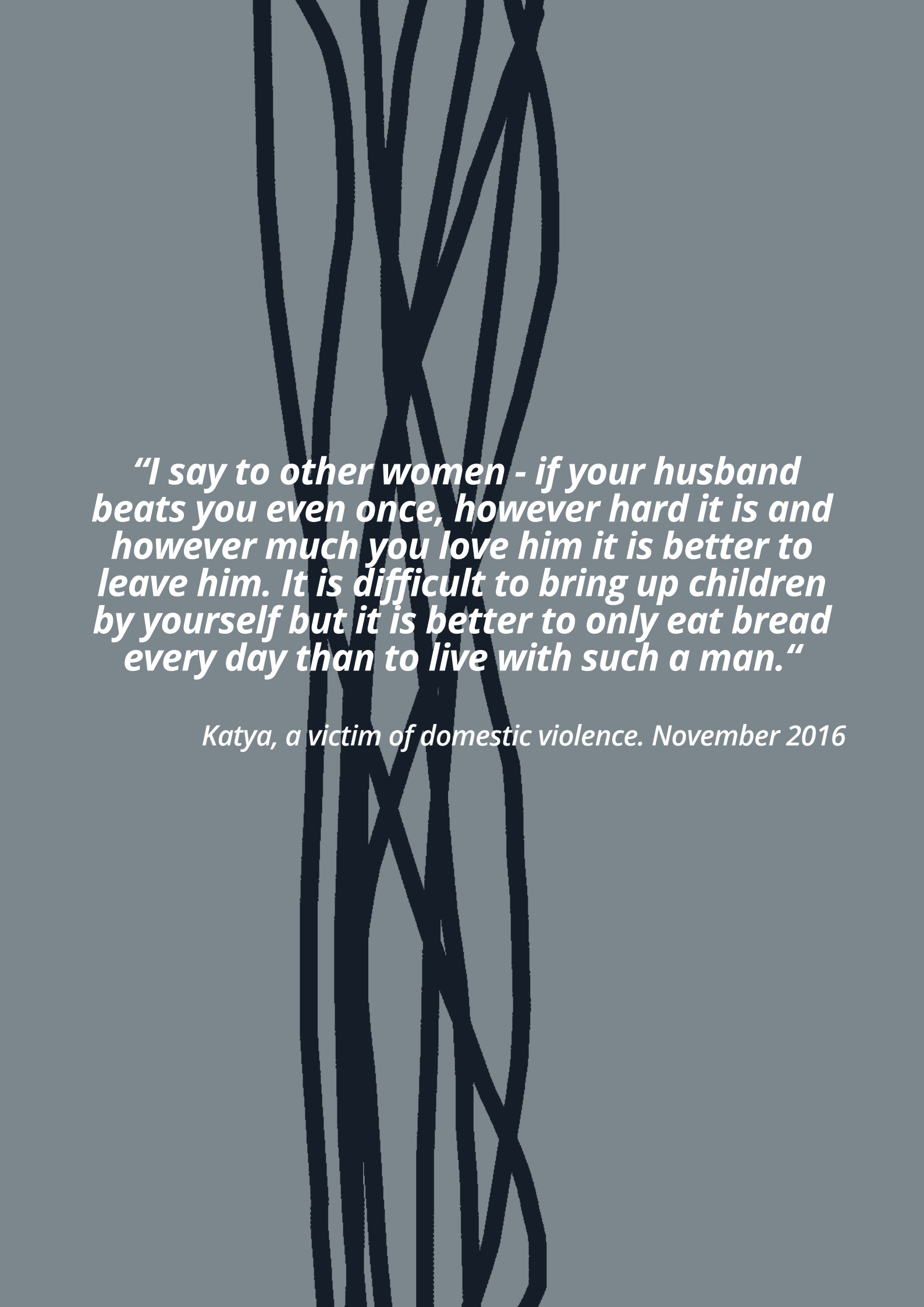
Recent studies conducted by United Nations (UN) bodies, academics and non-governmental organizations (NGOs) estimate that in Tajikistan as many as one in two women are subjected to domestic violence at some time in their lives by their husbands, mother-in-laws or other family members, although centralized comprehensive statistics are lacking, and underreporting means that the actual figures could be higher. As in other patriarchal societies cultural explanations are often used to excuse and justify the widespread discrimination and domestic violence against women in Tajikistan.

The Tajikistani government adopted the Law on Prevention of Violence in the Family in 2013, and a Government Action Plan for the implementation of this law in 2014 to 2023. However, these efforts are undermined by protection gaps in legislation, weaknesses in the criminal justice system and the failure of the authorities to systematically address the causes of domestic violence. This report looks at obstacles to justice for victims, such as the failure to classify domestic violence as a separate offence in the Criminal Code and the failure of the state to ensure that perpetrators of domestic violence are prosecuted which results in ongoing impunity and discourages victims from lodging complaints. The requirement for some victims of domestic violence to pursue complaints against their abusers through the criminal justice system themselves further discourages them from fighting for justice.

In addition, the authorities have failed to provide sufficient funding for services such as shelters to protect women at risk, this is the case particularly for women in rural areas. The Public Foundation Nota Bene¹ (Nota Bene, Tajikistan), International Partnership for Human Rights (IPHR, Belgium) and Helsinki Foundation for Human Rights (HFHR, Poland) are concerned that in practice victims of domestic violence are left with nowhere to turn.

The report examines some of the societal attitudes and practices, which serve to perpetuate domestic violence such as the prevalence of underage, unregistered marriages and polygamous marriages, which, although against the law, continue to occur in practice. Societal attitudes towards domestic violence in Tajikistan too often blame the victim rather than the perpetrator, and public statements made by government officials frequently serve to reinforce entrenched gender stereotypes and gender inequality, which feeds gender-based violence and domestic violence in particular.

¹ The Public Foundation “Nota Bene” is one of the first research centres carrying out legal analyses of human rights policies in Tajikistan



“I say to other women - if your husband beats you even once, however hard it is and however much you love him it is better to leave him. It is difficult to bring up children by yourself but it is better to only eat bread every day than to live with such a man.”

Katya, a victim of domestic violence. November 2016

Finally, the report outlines Tajikistan's obligations under international human rights law to protect women from domestic violence and concludes with recommendations to the Tajikistani government and the international community on necessary steps to address and prevent domestic violence.

This report is published jointly by the Public Foundation Nota Bene (Nota Bene, Tajikistan), International Partnership for Human Rights (IPHR, Belgium) and Helsinki Foundation for Human Rights (HFHR, Poland) in the framework of the EU-funded project "Action for Freedom from Torture in Kazakhstan and Tajikistan" and forms an integral part of the project partners' work toward the eradication of torture and ill-treatment in Tajikistan.

The research was carried out by IPHR in cooperation with local experts. The information was gathered through interviews with NGOs, international organizations involved in combating violence against women and individuals during a fact-finding visit to Tajikistan in October-November 2016. During the trip, IPHR researchers visited the capital Dushanbe, the city of Khujand in northern Sughd region and Qurghonteppa in the southern Khatlon region and spoke to individuals from elsewhere in Khatlon region.

The researchers spoke to over 30 representatives of women's crisis centres and service providers; lawyers, journalists, doctors and psychologists; as well as survivors of domestic violence. This information was complemented by desk research. This report also reflects information from the Tajikistani government submission to the UN Committee against Torture. In addition, in the interests of objective research, IPHR requested meetings with representatives of relevant state agencies during its visit to Tajikistan and, following the visit, wrote to the Tajikistani Supreme Court, the Minister of Internal Affairs and the General Prosecutor's Office requesting clarification and additional information for the report. Unfortunately, the organization had not received replies from the authorities at the time of writing.

Nota Bene, IPHR and HFHR Poland would like to thank all those who provided input for this report – especially the individuals who agreed to share their stories and experiences and the NGOs advocating for women's rights in Tajikistan. The names of individual survivors of domestic violence interviewed, as well as their places of residence and other identifying details have been changed for their protection.

2. Background: women in Tajikistan and vulnerability to domestic violence

“Many of the saddest and most tragic problems are the result of social pressure within communities.”

Colette Harris, an anthropologist who studied gender roles in Tajikistan.²



A wedding party see off the bride to her new home, © IPHR

This report focuses on the issue of domestic violence against women in Tajikistan since the Law on Prevention of Violence in the Family came into force in 2013. This chapter briefly examines the historical, cultural and other factors contributing to gender inequality and domestic violence today. It does not, however, provide a historical analysis of women's rights in Tajikistan, a theme which has been documented in detail in other studies and reports.³

Although domestic legislation both in the Soviet Union and in post-Soviet Tajikistan guaranteed gender equality, in practice the situation has deteriorated over the last two decades and the post-independence period has been

² Colette Harris, *“Control and Subversion: Gender Relations in Tajikistan”* 2004, Pluto Press.

³ Colette Harris *“Control and Subversion: Gender Relations in Tajikistan”* 2004; Alexander Erich *“From ‘programme transplants’ to ‘local approaches’: the prevention of domestic violence against women in Tajikistan”* PhD Dissertation Hamburg University <http://ediss.sub.uni-hamburg.de/volltexte/2015/7505/>; Oxfam commissioned report by Z-Analytics : Knowledge, Attitude and Practice of perception of gender roles and gender-based violence in six districts of Tajikistan 2016

characterized by a return to more traditional and patriarchal values and Islam, the main religion professed in Tajikistan.

The return to traditional values was, at least in part, driven by the brutally violent events which occurred during the civil war (1992-1997). During this time, conservative religious attitudes to traditional gender roles for women increased and restrictions of women's and girls' freedoms, especially the freedom of movement, forced marriages and polygamous relations were used by families as protective measures.

Although violence against women was prevalent during the civil war the incidents were not properly documented or investigated. However, experts report stories of brutal violence against women in the context of the wide-scale violence that people experienced during the conflict.⁴ The sexual violence and rape used against women during the civil war period has left many women in Tajikistan suffering from trauma, which has not been addressed to this day.

“Experts believe that the main reason for the lack of effectiveness of the law [on the prevention of violence in families] is the “traditional” nature of this problem, when in some families violence is commonplace and you must not “wash your dirty linen in public”. It is clear that without the population actively opposing domestic violence it will be difficult to solve this problem”

Sheroz Sharipov, journalist May 2015.⁵

Following the collapse of the Soviet Union, when religious beliefs had been forbidden, Islamic beliefs were openly expressed once more and religious schools reopened, which has led to the rise of illegal practices such as polygamy, unregistered and underage marriages.⁶ In some parts of Tajikistan fundamentalist Islamic groups enforced strict dress codes and “moral” codes for women.⁷

The rise in religiosity over the last ten years is a factor contributing to the increasing acceptance of fixed gender stereotypes particularly (but not exclusively) amongst younger generations. In a 2014 media interview, Saidmukarram Abdukodirzoda, the head of the Council of Ulema (religious scholars) of the Islamic Center of Tajikistan was quoted as saying *“What should a woman do to become a perfect, pious wife? Every woman has a duty to her husband who is entrusted*

⁴ ‘...raping with bottles and other objects, some of them large and/or sharp enough to cause very serious physical damage indeed; shooting in the pelvis or the abdominal area, burning them alive; taking them captive and subjecting them to humiliation and violence over long periods.’ Harris *“Control and Subversion: Gender Relations in Tajikistan”* 2004

⁵ *Why is the law on domestic violence not working?* Sheroz Sharipov, 15 May 2015, <https://www.news.tj/ru/news/pochemu-ne-rabotaet-zakon-o-preduprezhdenii-nasiliya-v-seme-multimedia>

⁶ The Family Code of Tajikistan, Article 13.1 stipulates that 18 is the legal age at which people can get married, although Article 13.2 provides that in certain circumstances 17 year olds can be married. The Criminal Code Article 168 punishes giving an underage marriage by fine, correctional labour or detention for six months. Some 10-20 percent of marriages are estimated to involve underage girls. Breaking Barriers: Challenges to Implementing Laws on Violence Against Women in Afghanistan and Tajikistan with special consideration of displaced women April 2016 Center for Gender & Refugee Studies University of California <http://cgrs.uchastings.edu>

⁷ *Violence is not just a family affair: Women face abuse in Tajikistan*, Amnesty International (2009), <http://www.amnesty.org/en/library/asset/EUR60/001/2009/en/59bb6e9b-727d-496b-b88d-1245a750d504/eur600012009en.pdf>.

to her by God, and a woman who fulfills all her duties towards her husband is an ideal wife under Islam. It is not an easy task to perform the duties of a wife to her husband. A woman who pleases her husband will enter Paradise”⁸

Across the world, cultural explanations are frequently used to justify discrimination and gender inequality and such inequality all too easily translates into gender-based violence and domestic violence in particular. This is often the case in societies such as Tajikistan, which are influenced by strong patriarchal customs and traditions and where religious leaders/ authorities support and reinforce the patriarchal system. It is important, however, to avoid generalizations and to recognize that differences in attitudes exist depending on social status, place of residence, education etc.

In Tajikistan, individuals can face considerable pressure to conform to gender stereotypes and fulfill specific gender roles within the family and the wider community.⁹ Studies reveal distinctions in accepted roles for men and women: a 2016 joint study by the Research Company “Tahlil va Mashvarat”, the State Committee for Women’s and family Affairs (CoWFA) and Oxfam found that women routinely face discrimination in the home and that over 90 percent of females have no say in domestic decisions.¹⁰

Patriarchal attitudes combined with poverty also result in reduced access to education for girls, particularly those living in rural areas. By law, all children have to attend school until the end of 9th grade but statistics show that many girls in particular drop out earlier: statistics of the United Nations International Children’s Emergency Fund (UNICEF) for 2015 indicate that 9.1 percent of girls did not attend early years of secondary school compared with 2.4 percent of boys.¹¹ Gender stereotypes are reportedly reinforced in school curricula,¹² and the lack of literacy and education reduces women’s ability to find work and to understand their rights.

“From a very young age girls are told this amazing “fairy story” of their wedding, and how magical it will be... but the reality of married life is often very different”,

Independent expert on gender issues, interview with IPHR, November 2016.

Societal factors such as economic deprivation also place women at increased risk of violence. The UN recognizes that: *“Women’s poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social*

⁸ *Take care of men!* Author Mavzuna Abdulloeva, November 3, 2014, <http://www.ozodagon.com/18666-beregite-muzhchin.html>

⁹ Harris describes patriarchal traditions *“strong pressures towards conformity, the almost symbiotic, highly controlling parent/ child relations, and the lack of emotional ties between spouses”*, where individuals are required to fulfill a specific gender role within families and the wider community. She describes the *“ruling principle of Tajik society, the honour-and-shame system”*, which prides masculine characteristics such as honour and virility and feminine virtues of chastity and fertility. Colette Harris, *“Control and Subversion: Gender Relations in Tajikistan”* - 2004 Pluto Press.

¹⁰ Alexander Erich *“From ‘programme transplants’ to ‘local approaches’: the prevention of domestic violence against women in Tajikistan”* PhD Dissertation Hamburg University <http://ediss.sub.uni-hamburg.de/volltexte/2015/7505/>;

¹¹ The Government Action Plan on the Prevention of Violence in Families: in 2012-2013 1,499 girls did not attend school, of a total of 2,630 children;

¹² UNICEF Country Programme Document, 8-10 September 2015; IPHR interview with independent expert *“If in my youth girls learnt computer programming skills at school, now they learn how to make bread in a traditional oven”*, 2 November 2016.

policies and from the benefits of education and sustainable development, can place them at increased risk of violence”.¹³ As one of the poorest 30 countries in the world where 75 per cent of people in rural areas live below the poverty line, Tajikistan’s fragile economy results in a shortage of affordable housing, high unemployment and an inadequate social security system, all problems which affect women disproportionately.¹⁴

There are continuing high levels of mainly male labour migration¹⁵ with some 1.5 million Tajikistani men estimated to work abroad.¹⁶ One consequence of this is an increase in economically vulnerable, female-headed households as well as cases of the husband’s family evicting women who are left living with their husband’s families while their husbands are abroad. The lack of a comprehensive, adequate and functioning social security system means that there is no safety net when things go wrong and many victims of domestic violence have nowhere to turn.¹⁷

In Tajikistan, it is traditional for parents to choose future spouses for their children, and although some people chose their own partners, this remains uncommon.¹⁸ Couples usually move in with the husband’s family but newly married women are sometimes sent back to their parents e.g if their in-laws think that they fail to do the housework properly, for not getting pregnant or for having a disabled child.¹⁹ Studies indicate that women in early, polygamous and unregistered marriages are particularly vulnerable to domestic violence. By law, girls have to be 18 to marry and marriages have to be registered at the civil registry office. However, families continue to marry underage daughters both in

¹³ General Assembly Resolution 67/144, 20 December 2012 “Intensification of efforts to eliminate all forms of violence against women”

¹⁴ UN Women, Tajikistan <http://eca.unwomen.org/en/where-we-are/tajikistan>; UNICEF: overall income poverty has fallen over the last decade but still stands at 32 percent. Tajikistan’s gross national income for 2013 was \$ 990. UNICEF Country Programme Document, 8-10 September 2015; The fall in 2015 of the value of the Russian rouble exacerbated economic turbulence in Tajikistan <https://www.imf.org/external/pubs/cat/longres.aspx?sk=43683.0>; <http://www.eurasianet.org/node/77801>; <http://foreignpolicy.com/2016/01/22/a-perfect-storm-in-central-asia/>. ; An elderly woman from Sarband in Khatlon region told IPHR “In Sarband there is no work. The factory has closed, there is only work in the hospital or the school or the kindergarten. So many people have no work... it is a cause of stress in our families”. Interview with IPHR, 3 November 2016

¹⁵ UN Women states that remittances from abroad accounted for 41.7 per cent of GDP in 2014. The Ministry of Labour, Migration and Employment of Tajikistan estimates the number of Tajikistani labour migrants working in Russia in the first six months of 2016 to be 308 676. The Federal Migration Service of the Russian Federation statistics differ: indicating that as of April 2016 some 878,536 labour migrants from Tajikistan were working in Russia.

¹⁶ UN women states “Left-behind or abandoned wives become de-facto heads of households, solely responsible for generating family income – despite limited access to education, resources, micro-credit, social protection and employment, particularly in rural settings” <http://eca.unwomen.org/en/where-we-are/tajikistan>; In 2009, IOM reported 300,000 abandoned households, 70 per cent of them with children.”; Larissa Aleksandrova, independent consultant told IPHR “if the son is away working for a long time without contacting or sending money to his wife and family at home, in some cases the daughter-in-law is evicted by her parents in law and finds herself on the street”, 2 November 2016

¹⁷ Benefits reportedly reach only 11 percent of disadvantaged households, with social assistance accounting for 0.5 percent of GDP. UNICEF Country Programme Document, 8-10 September 2015

¹⁸ PDV estimated that 90 percent of marriages were arranged marriages in Tajikistan. Breaking Barriers: Challenges to Implementing Laws on Violence Against Women in Afghanistan and Tajikistan with special consideration of displaced women April 2016 Center for Gender & Refugee Studies University of California <http://cgrs.uchastings.edu>

¹⁹ For example, in Khatlon oblast, IPHR spoke to “Zarina”, the mother of “Nilufar”, 26 who has a disabled daughter. Nilufar’s mother-in-law had sent her back to live with her parents as she was not able to do the housework properly because of the time she needed to care for her daughter. Zarina told IPHR that she now lives with her husband, her daughter and disabled granddaughter as well as her two sons, their wives and five other grandchildren in a three room flat. Interview 3 November 2016

The background of the entire page is filled with thick, red, hand-drawn scribbled lines that crisscross and overlap, creating a dense, textured pattern.

“Курбокка шу ҷошт, обрӯ ҷошт”
(“The frog had a husband, she was respected”)

Tajik saying used by parents to dissuade their daughters from getting divorced

registered marriages²⁰ and in unregistered, religious ceremonies (nikoh).²¹ Girls and women in unregistered marriages are in a vulnerable position as they have fewer legal rights.

“Women end up in a catch-22 situation – from childhood girls are prepared for marriage, and instead their families try to get them married as early as possible. Once in a new family, she is completely financially dependent and, if the couple divorce, she is totally helpless. To add insult to injury she’ll be judged by all, saying – “if they kicked her out, it means she’s useless”.

Lilia Gaisina, Journalist April 2016.²²

In 2016 CoWFA reported that 72,463 marriages were registered in 2016 (77, 020 in 2015) and 8,891 divorces (8,346 in 2015).²³ The authorities’ explanation for the high divorce rate includes *“early marriages, the lack of preparedness of young people for independent life, their economic dependence on their parents, labour migration, interference of close relatives and domestic violence”*.²⁴ Divorced women are often seen in a negative light and have to return home to live with their parents, and are sometimes forced into subsequent unregistered or polygamous marriages where domestic violence can be more prevalent.

Housing disputes are also a root cause of domestic violence. A divorced woman can turn to court and try to obtain permission to reside in part of the former marital home (to which she has often contributed to buying or building). The unwanted presence of a divorced or separated daughter-in-law in the house can lead to incidents of domestic violence by both husbands and in-laws.

3. Definitions of domestic violence

Domestic violence in Tajikistan is directed predominantly towards women. Internationally, a range of terms are used for violence against women in the domestic context, such as domestic violence, gender-based violence, intimate-partner violence and violence in the family. The terminology is important in the context of Tajikistan where the gender dimension of domestic violence is sometimes blurred, both in legislation and broader public opinion. It is essential that all actors recognize that domestic violence and violence in the family predominantly affects women, in order that effective and tailored strategies can be adopted to address it. (This point is explored further in section 8.2)

²⁰ By law (Family Code article 13.2) exceptions can be made upon request from the couple about to be married to allow a 17 year old to marry. NGO representatives, individuals and experts told IPHR that in practice judges use their discretion and can reduce the age in cases of underage pregnancy, if the family is very poor or if the daughter is an orphan

²¹ Nikoh: a marriage in Islamic religious ceremony which is not registered by the state

²² Shelters for women who have been thrown out 28 April 2016 <http://theopenasia.net/articles/detail/priyut-dlya-izgnannoy-zheny/> “

²³ CoWFA press release on implementation of activities in 2016: 18 January 2017 <http://kumitaizanon.tj/ru/news/id/776> CoWFA quotes Ministry of Justice figures, which indicate that in 2010, there were 6,125 instances of divorce, in 2011, 6,797, in 2012 7,608 and in 2013 8,194 <http://kumitaizanon.tj/ru/bylaws/id/5>

²⁴ CoWFA quotes Ministry of Justice figures in the document relating to the State Programme for prevention of family violence 2014 – 2023 para.15 <http://kumitaizanon.tj/ru/bylaws/id/5>,

The United Nations (UN) Committee on the Elimination of Discrimination against Women defines gender-based violence as violence *“directed against a woman because she is a woman or that affects women disproportionately”* and stipulates that *“It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”*

The 1993 **UN Declaration on the Elimination of Violence against Women** defines violence against women as: *“Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”*. Article 2 of the Declaration specifies that violence against women can include: a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. Importantly, the Declaration points to the *“historically unequal power relations between men and women, which have led to domination over and discrimination against women by men [...] and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”*.²⁵ By including *“harmful traditional practices”* such as domestic violence, rape and sexual slavery, the Declaration clarified violence against women as an international issue, and defied arguments justifying human rights violations with references to *“cultural rights”*.

The **UN General Assembly** resolution of 2004 on the Elimination of Domestic Violence against Women recognized that *“domestic violence can include economic deprivation and isolation and that such conduct may cause imminent harm to the safety, health or well-being of women.”*²⁶

The **World Health Organization (WHO)** defines intimate partner violence as referring to *“behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours.”*²⁷

²⁵ United Nations Declaration on the Elimination of Violence against Women (DEVAW), General Assembly Resolution 48/104, 20 December 1993 http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/48/104

²⁶ UN General Assembly resolution 19 February 2004 58/147 <http://www.worldlii.org/int/other/UNGARsn/2003/185.pdf>

²⁷ WHO Factsheet, <http://www.who.int/mediacentre/factsheets/fs239/en/>

4. Tajikistan's international responsibility to protect women from violence

Tajikistan is party to several international agreements which provide core protections for women against violence. These include the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; the UN Convention on the Rights of the Child and the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The Constitution of Tajikistan recognizes the supremacy of international treaties to which Tajikistan has acceded over domestic legislation.

International human rights mechanisms are unequivocal that it is the responsibility of the state to protect women from violence. In 2006, the UN Secretary General stated: *"States have an obligation to protect women from violence, to hold perpetrators accountable and to provide justice and remedies to victims. Eliminating violence against women remains one of the most serious challenges of our time [...] This requires clear political will, outspoken, visible and unwavering commitment at the highest levels of leadership of the State and the resolve, advocacy and practical action of individuals and communities."*²⁸

In 2012, the UN Human Rights Council stated that *"States have the primary responsibility for protecting women and girls facing violence and, in this regard, urges States to take measures to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict."*²⁹

UN treaty bodies have consistently expressed their concerns about the prevalence of domestic violence in Tajikistan, and made clear recommendations to the authorities on the issue.

In January 2013 the UN Committee against Torture (CAT) recommended that Tajikistan: criminalize domestic violence; ensure that victims of domestic violence can lodge complaints and that such complaints are effectively investigated and perpetrators prosecuted and punished with appropriate penalties; provide victims with immediate protection and redress, including separation from perpetrators, provision of shelters and rehabilitation. CAT also recommended training law enforcement officials, judges and prosecutors on how to receive, monitor and investigate complaints of

²⁸ UN Secretary General: In-Depth study on All forms of Violence against Women 6 July 2006 http://www.un.org/ga/search/view_doc.asp?symbol=A/61/122/Add.1 accessed 1 December 2016

²⁹ UN Human Rights Council A/HRC/20/L.10 http://www.ohchr.org/Documents/HRBodies/HRCouncil/.../A.HRC.20.L.10_en.doc para.2

domestic violence in a sensitive manner that respects confidentiality; and organized awareness raising campaigns on the negative impact of domestic violence.³⁰

In August 2013, in its Concluding observations the UN Human Rights Committee noted with regret the continuing reports of domestic violence and recommended that Tajikistan intensify awareness raising campaigns; allocate adequate resources to police inspectors charged with combating domestic violence; ensure that domestic violence cases are investigated ex officio regardless of the severity of the harm and that perpetrators are punished and victims compensated; and increase the number of shelters.³¹

In October 2013 the UN Committee on the Elimination of Discrimination Against Women (CEDAW) urged Tajikistan to criminalize all forms of violence against women; to protect and support victims and punish perpetrators; provide training for officials; raise public awareness about domestic violence; provide free legal aid, assistance and protection to women victims of violence by establishing adequate number of shelters; to collect complete disaggregated statistical data and commission studies on the causes of domestic violence.³²

In 2016, Tajikistan supported recommendations from states under the Universal Periodic Review to criminalize all forms of domestic violence including psychological violence; to provide rehabilitative services and increase shelters; improve access to justice for women; provide training for law enforcement, judges and prosecutors and to establish a mechanism to implement the law on domestic violence.³³

The OSCE has also made statements about domestic violence in Tajikistan, a participating state.

After a country visit to Tajikistan in 2015, June Zeitlin, Special Representative of the OSCE Chairperson in office on Gender Issues recommended that the Tajikistani authorities criminalize domestic violence; strengthen collaboration with civil society; establish adequate shelters, services of psychological and family counseling for victims and improve legal and social services; collect extensive data including cases referred to the courts and their outcomes; increase the number of women police units, provide training and strengthen the integration of gender-responsive policing in broader police reform efforts.³⁴

³⁰ UN Committee against Torture Concluding observations on the second periodic report of Tajikistan, forty-ninth session, January 2013 CAT/C/TJK/CO/2 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/TJK/CO/2&Lang=En

³¹ UN Human Rights Committee Concluding observations on the second periodic report of Tajikistan 22 August 2013 CCPR/C/TJK/CO/2 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/TJK/CO/2&Lang=En

³² CEDAW Concluding observations on the combined fourth and fifth periodic reports of Tajikistan, 28 October 2013 CE-DAW/C/TJK/CO/4-5 http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/TBSearch.aspx

³³ UN Human Rights Committee Report of the Working Group on the Universal Periodic Review Addendum, 33rd session A/HRC/33/11 https://www.upr-info.org/sites/default/files/document/tajikistan/session_25_-_may_2016/a_hrc_33_11_add.1_an.pdf see also: List of all responses September 2016 <https://www.upr-info.org/en/review/Tajikistan/Session-25---May-2016/UPR-Info%27s-2RP-%28re-sponses-to-recommendations%29#top>

³⁴ Country Visit to Tajikistan Report of June Zeitlin, the Special Representative of the OSCE Chairperson-in-Office on Gender Issues November 1-5, 2014 <http://www.osce.org/cio/145601?download=true>

5. Assessing the scale of domestic violence

“Tajik women don’t complain – violence is considered normal here.”³⁵

Former NGO representative interviewed by IPHR, 2 November 2016.

Obtaining a clear picture of the scale of domestic violence against women in Tajikistan today is hampered by the failure of the Tajikistani authorities to publish comprehensive statistics with enough information and analysis to make them a useful resource to ascertain the prevalence of domestic violence against women. There is no central governmental database collecting detailed and disaggregated national statistics on domestic violence. Inconsistent and uncoordinated methods of data collection and insufficiently detailed publicly-accessible data on incidences and causes of domestic violence makes it difficult to establish a baseline against which to measure progress in protection and prevention of domestic violence and assess which policies are effective and worth pursuing.

The State Statistics Agency publishes information bi-annually obtained from a database maintained by crisis centres, as well as sex-disaggregated data on all crimes committed in Tajikistan. In 2014 it also published data on violence against women from a Demographic and Health survey conducted in 2012. However, the crime statistics fail to identify the victim-perpetrator relationship, or provide details about the reasons for the crime, meaning it is not possible to estimate the incidence of domestic violence.³⁶

On 20 April 2016, the Minister of Internal Affairs signed a decree approving a new Police Instruction³⁷ to prevent, eliminate and support cases of violence in the family, which requires officials of the Ministry of Internal Affairs (MIA) to compile statistics on cases of domestic violence, with a breakdown of age and sex. MIA data has been cited in reports by the State Commission which oversees the implementation of Tajikistan’s international human rights obligations.

CoWFA cites official statistics for 2013 as 2,103 crimes against women and girls, stating that *“the majority of them were of a violent nature”*.³⁸ However, they do not stipulate how many of these incidents occurred within families. The Organization for Security and Co-operation in Europe (OSCE) reports that figures from the MIA show there were 1,441 incidents of violence in the family in 2014, of which 944 involved male perpetrators and 490 involved female perpetrators.³⁹ In 2017, CoWFA reported on its website that MIA figures for 2016 recorded 323 incidents of domestic

³⁵ Interview with NGO worker, who requested to remain anonymous for security reasons, November 2016

³⁶ Men and Women in the Republic of Tajikistan, 2012, Men and Women in the Republic of Tajikistan, 2014, Agency on Statistics under the President of the Republic of Tajikistan

³⁷ Police Instruction No. 27

³⁸ CoWFA, quote Ministry of Justice figures, in the document relating to the State Programme for prevention of family violence 2014 – 2023, para.20 *“<http://kumitaizanon.tj/ru/bylaws/id/5>”* \t “

³⁹ Report by the Special Representative of the OSCE Chairperson-in-Office on Gender Issues 18 March 2015 <http://www.osce.org/cio/145601?download=true>

violence in the family (14 less than in 2015), 36 of which were committed against men, 244 against women and 318 against children.⁴⁰

The state report on the Action Plan for the implementation of UN Human Rights Committee recommendations stated that in 2015 and the first five months of 2016 MIA specialized police inspectors registered 145 complaints of violence in the family.⁴¹ The same source reported that in the first five months of 2016 the specialized police inspectors recorded 34 cases of domestic violence; initiated ten criminal cases; refused to open 59 criminal cases; were reviewing ten further cases and had referred 21 cases to other government agencies.⁴² It is worth noting that currently there are only ten specialized police inspectors in Tajikistan.

CoWFA publishes general statistics annually on its website but without sufficient statistical disaggregation to allow for meaningful analysis. NGO service providers use a common database to track service provision but there is no central governmental database presenting information relating to domestic violence. As mentioned above, some statistics are made available in progress reports from the Secretariat of the State Commission on implementation of international human rights obligations which gathers information on the implementation of various state action plans from relevant government agencies and ministries.

Studies by UN agencies and different organizations in recent years have resulted in a wide range of figures depending on regional focus, study design and the definition of domestic violence used, but all agree that violence against women in domestic settings is widespread across the country, and is prevalent in both cities and rural areas, and both in households where women are educated, and those where they are not.

A 2005 study commissioned by the Swiss Co-operation Office in Tajikistan found that 50 percent of married women in Khatlon region had experienced forms of violence in the family (physical, emotional, sexual, control).⁴³ UN Women puts the figure at around 20 percent.⁴⁴ Other studies estimate that violence against women occurs or has occurred at some time or another in as many as 80 percent of families.⁴⁵ In its 2015 report, the United States Department of

⁴⁰ CoWFA, quote Ministry of Interior figures, 28 January 2017 <http://kumitaizanon.tj/ru/news/id/776>

⁴¹ Figures cited in the report on the implementation of ODIHR recommendations for the last six months of 2015 cited 95 crimes of domestic violence, including 22 murders, 45 cases of driving to suicide; 1 case of abandonment of a newborn; 8 rapes and 19 cases of forced sexual contact. The reasons for the incidents given in the report were “unfounded jealousy, lack of good parental example, lack of literacy and insufficient knowledge by the woman of her rights”. Report on Action plan on implementation of ODIHR recommendations for second half of 2015. <http://khit.tj>

⁴² Progress report on the implementations of the UN Human Rights Committee recommendations by the Commission for Implementation of International Human Rights obligations <http://khit.tj>

⁴³ Violence against Women in Marriage: a general population study in Khatlon oblast, Tajikistan // Project to reduce violence against Women (PROWAV) in Tajikistan. Report prepared by Dr. R. Haar, International Consultant, Swiss Cooperation Office-Tajikistan. – Dushanbe, 2005 – P.11.

⁴⁴ UN Women Tajikistan country page <http://eca.unwomen.org/en/where-we-are/tajikistan>

⁴⁵ Open Asia Net 28 April 2016 <http://theopenasia.net/articles/detail/priyut-dlya-izgnannoy-zheny/> Приют для изгнанной жены; On 25 November 2013 Radio Free Europe reported the director of the working group on the prevention of domestic violence, Alfredas Zabeta as saying that after a study was completed by the group had come to the conclusion that violence is noted in 90 percent of Tajikistani households: <http://rus.ozodi.org/a/25179211.html>; see also Advocates for Human Rights <http://www.stopvaw.org>.

State stated: *“Violence against women, including spousal rape, remained a widespread problem. According to a health and demographic survey conducted by the [Tajikistani] National Statistic Committee during the year, 19 percent of women between ages 15 and 49 reported they experienced physical violence”,* but noted that underreporting was persistent.⁴⁶

Studies concur that under-reporting is a serious problem due to the “culture of silence” surrounding domestic violence in Tajikistan, where it is often considered “normal”. In 2013, Alfredas Zabeta, manager of the Prevention of Domestic Violence project (PDV) told Radio Free Europe that *“humiliation and beatings are observed in rich and poor families. The only difference is that in rich families it is not acceptable to complain”.*⁴⁷ Women who complain risk being stigmatized and many believe that they should “put up with it for the sake of the children”. A 2016 study by the Research Company “Tahlil va Mashvarat”, CoWFA and Oxfam which interviewed 400 people across six regions of Tajikistan found that 97 percent of men and 72 percent of women believed that *“a woman must tolerate violence to keep her family together”.* The study pointed out that this perception by the respondents could indicate that the respondents had experienced such violence in the past.⁴⁸

6. Perpetrators of domestic violence

6.1 Husbands

“If he beats you it means he loves you” Russian saying.

NGO representatives working with victims of domestic violence told IPHR that the most common types of domestic violence reported to them are physical, psychological, sexual and economic violence (deprivation of means).⁴⁹

Psychological violence was reported to be common – when, for example, husbands and family members restrict the woman’s ability to go out, control what she wears, and sometimes *“they don’t talk to her for years”.*⁵⁰ NGO representatives told IPHR that sexual violence is sometimes reported, although women find this more difficult to talk about, and statistics reflect this. The Demographic and Health survey conducted in 2012 records 99 percent of women as saying they had not been sexually abused by their partner. The high figure could indicate under-reporting of this more

org/tajikistan

⁴⁶ The report continued *“The highest incidence of domestic violence was reported in Sughd, where 22 percent of women reported suffering domestic violence. The lowest reported level of domestic violence was in the Districts of Republican Subordination around Dushanbe, where 13 percent of women reported suffering domestic violence.”* US Dos <https://www.state.gov/documents/organization/253189.pdf>

⁴⁷ Radio Free Europe, 25 November 2013 <http://rus.ozodi.org/a/25179211.html>

⁴⁸ Oxfam commissioned report by Z-Analytics: *Knowledge, Attitude and Practice of perception of gender roles and gender-based violence in 6 districts of Tajikistan 2016*

⁴⁹ For example, a psychologist working at a crisis centre told IPHR that the centre had provided counseling to 972 women from January to September 2016, amongst whom there were 7 cases of sexual violence, 424 women complaining of psychological violence and 88 of economic violence as well as three suicides, Interview November 2016.

⁵⁰ Interview with NGO representatives in Khatlon region, 2 November 2016

private aspect of domestic violence that many women find difficult to talk about.⁵¹ IPHR was told of a case in 2016 where a mother of four reported persistent sexual abuse by her husband, who insisted that she carry out sexual acts against her will before she was allowed to visit relatives or go out of the house. She was afraid to tell anyone about this for fear that her husband would punish her. The woman frequently talked about committing suicide.

The case description below illustrates the intense physical and psychological violence described as “common” by the NGO workers to whom IPHR spoke. It also illustrates the isolation that victims of domestic violence experience when witnesses do not intervene. This violence affects women in registered and non-registered marriages alike. The following example is of a woman in a state-registered marriage.

“He left his footprint on my life”

Katya victim of domestic violence, talking of her abuser

Katya is 27 years old and has a 12-year-old son. She told IPHR about the abuse she suffered during her seven year marriage which began when she got pregnant at 16.

“At first my husband would just slap me occasionally and although he was jealous it was nothing serious. But when my son was about a year old my husband began to beat me seriously, sometimes every day. All in all, my husband broke my nose four times; damaged my spine, broke my ribs once and my arm twice and caused damage to my leg. He was very sporty and didn’t realise his own strength. He used to kick me in the back - like a football – and when I fell down, he would lift me back onto my feet and say ‘stand up’. When I swayed and started to fall, he would kick me again.

Once, he was beating me behind some garages on our street... I don’t know what I’d done wrong. A neighbour passed to get his car and saw me, in tears and dirty with a bleeding nose. The neighbour just said hello and walked on even though he could have asked my husband what he was doing. So my husband felt immune. And I understood then that there was no point in complaining.

My husband once beat me so badly that he injured my spine and I was bedridden for three months. I was bleeding from my nose, my mouth, from every part of my body [...]. But I had to put up with it – I didn’t want my child to be brought up alone. He often insulted me, using bad words – bruises and broken bones heal but stains on the heart stay forever, for your whole life. I can’t forget them. I didn’t have any friends – he didn’t let me out of the house to see friends. I wasn’t allowed to wear jeans - he would say ‘do you want to show your behind off to other men?’ So I started to wear the hijab to calm his jealousy and avoid hearing these comments from him. But he didn’t change.

He let me go to see my parents sometimes but as soon as I left the flat and was crossing the courtyard he would ring me. After a

⁵¹ See ERID working paper “Queen Bees and Domestic Violence: Patriloachal Marriage in Tajikistan”, Charles Baker and Mavzuna R.Turaeva, published in October 2016: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2862096

couple of hours at my parents he'd say he was coming to get me and I had to leave.

When my mother saw my broken nose or something I always had an excuse, I told her I'd fallen down the stairs – she didn't want to interfere in our family affairs and told me more than once 'you chose him, so put up with it'. I was hurt when she said this but I also felt guilty, I felt it was my own fault for choosing him

For six years I put up with this – I tried to go to the police twice but they didn't help. Once when he broke my nose – he was so strong that one punch was enough - I went to the police with bruises all over my face but they said 'it's your problem. Sort it out yourselves – we won't interfere in your family affairs.' I felt helpless and didn't know who to turn to. I was afraid that I'd end up as an invalid. One time he hit me on the left side of my chest. I thought my heart had burst. He took me to the hospital then and the doctor asked me what had happened. I lied and said I'd fallen and the doctor said 'you must have been hit with something really heavy.' The doctor told my husband to look after me because my heart was fragile but as we left the hospital my husband told me 'count yourself lucky it was just one punch'.

I tried to kill myself twice, but realized I had to stay alive for the sake of my son. I finally got divorced after seven years - before the divorce my mother-in-law had already found him another wife. I returned to live with my parents but my brother didn't understand this – Tajikistanis start to blame each other when divorce happens. My husband had spread rumours that I had been unfaithful to him and my brother had heard these rumours. He told me it was my fault that my husband had left me.

Once I'd left, I felt like I was going mad. [...] I talked to myself, I'd be deliriously happy one minute and depressed the next – I was stressed. I have found it really hard to recover. It is hard to forget seven years of your life. I can throw away the things that remind me of my ex-husband but I can't throw my son away.⁵²

The case below is an example of a non-registered marriage. Nargis, a 24-year-old mother of two, was married in a religious ceremony and told IPHR about the violence she experienced at the hands of her husband:

"I got married at 20. My husband was a religious man and a trouble maker, he returned from Russia without documents and therefore we couldn't get married officially.

For the first year things were calm but then my husband began to insult and beat me every day. When I was one month pregnant with my first child he beat me and told me to get an abortion, claiming that the child wasn't his [...]. I had to leave my husband's home and go to live at my parents' until my son was born. After the birth, I went with my parents to my husband's home to divide up our property, but his family told me not to make my son an orphan and to return to live with them. So I had to return to live with my husband. I thought that things would get better then but my husband beat more and more and forced me to sleep with him and I got pregnant again. When I was pregnant with my second child I had to leave my husband again because he was violent – he used to

⁵²

Interview with IPHR 2 November 2016

humiliate me in front of his relatives by saying that the children were not his.

At about 20 days after the birth my husband turned up at my parents' house and beat me.⁵³ He ordered me to return home with him and I agreed so that my boys would have a father. When my husband heard that the children would come too he started saying that the baby wasn't his and he wanted a paternity test. He beat me so badly that I decided to stay with my parents.

Later, I applied to court which ruled on the amount my husband should pay for childcare. At first he refused to pay anything despite the court order. I got help from an NGO lawyer who met with my husband in the presence of police officers and he now gives me money every three months. But to this day he still rings me to threaten me, and every time he gives me money he threatens me. With the help of the NGO I took a sewing course - now I sew for myself, my children, my mother and take in orders for women's clothes and dresses. I feel lucky to have attended the course - it has helped me believe in the future again. My husband once told me that he feels worse when he sees that I am doing better, sewing and bringing up the children by myself.

Now, my parents tell me I should get married again and that they will bring up my children. But I want to bring up my own children - and I was so scared by my husband's punches that I can't trust that the same thing wouldn't happen again.⁵⁴

6.2 Mothers-in-law and other family members

"In the villages there are many uneducated girls - we are all slaves to our mothers-in-laws, we live without rights." Shabnam, survivor of domestic violence.

"For Tajik girls their future mothers-in-law are likely to play every bit as important a role as their husbands".

Colette Harris, anthropologist.

In Tajikistan, perpetrators of domestic violence against women can include mothers-in-law and members of the husband's family. For economic and traditional reasons, many young couples live with their extended families and in patriarchal societies women gain status in the family as they get older - meaning that mothers-in-law often wield significant power and control over their daughters-in-law.⁵⁵

A newly-married woman is often expected to obey her husband and in-laws, and her mother-in-law in particular.⁵⁶ She can be expected to do the cooking and cleaning for her family-in-law, and is reportedly sometimes treated as an unpaid servant.⁵⁷ An October 2016 academic study by the Economic Research Institute at Duke University

⁵³ In Tajikistan it is usual for women to stay house bound for 40 days after the birth

⁵⁴ Interview with IPHR, 2 November 2016

⁵⁵ See Colette Harris, *"Control and Subversion"*, Intergenerational Family Control

⁵⁶ Economic hardship often make it difficult for young couples to live independently.

⁵⁷ Name withheld on request for security reasons



Washing line, Dushanbe ©IPHR

(ERID) noted *“It is not unusual for the daughter-in-law to be in service of her sisters-in-law – other females in the household physically capable of performing household chores.”*⁵⁸ A representative of an NGO working for women’s and children’s rights told IPHR about a recent case she had worked on where a woman instructed her daughter-in-law to get up at 3:00 am every day to sweep outside the house and prepare breakfast for 5:00 am, but that she did not expect her own daughter, who also lived in the extended household, to do housework at all.⁵⁹

This element of power is a fundamental cause of domestic violence, particularly in cases of psychological domestic violence. The ERID study, based on 2012 data, found that *“Women who live with the in-law family are at least 24.6 percent more likely to experience emotional abuse committed by their husbands/partners.”*⁶⁰

One survivor of domestic violence from Khatlon region told IPHR *“My husband and I lived with his relatives. My mother-in-law insulted and beat me regularly and turned my husband against me. When I didn’t get pregnant my mother-in-law told my son I couldn’t have children and threw me out of the house. She constantly interfered in the conversations between my husband and me. When I had children she said I should come back to the house but she still treated me badly as before.”*⁶¹

⁵⁸ The ERID working paper *“Queen Bees and Domestic Violence: Patriloachal Marriage in Tajikistan”*, Charles Baker and Mavzuna R.Turaeva, published in October 2016 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2862096

⁵⁹ Name withheld on request for security reasons

⁶⁰ The ERID working paper *“Queen Bees and Domestic Violence: Patriloachal Marriage in Tajikistan”*, Charles Baker and Mavzuna R.Turaeva, published in October 2016 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2862096

⁶¹ A survivor of domestic violence from Khatlon province, interviewed by IPHR in November 2016.

17-year-old Shabnam from a village in Khatlon region described the violence she experienced in her early marriage: "I was married at 15 years old. I didn't know my husband before we got married – our parents decided on the match. We lived with my mother-in-law - according to our traditions the husband always takes his wife to his parent's home. When my husband was away working my mother-in-law wasn't happy and she took it out on me whenever she could: she beat me; she threw me and my child out on the street; she rang my husband to tell him that she didn't like me. My husband, it turns out, is a drug addict – he beat me constantly and when he left his mother began thumping me instead." Shabnam subsequently returned to live with her parents but is unable to find work as she has not finished school.⁶²

6.3 Desperate acts: the tragic consequences of domestic violence

"Violence against women won't be eliminated any time soon in Tajikistan. Until the country's leadership addresses women's issues on the legislative level, Tajik families will continue to regret that a girl was born and not a boy and in remote villages cans of kerosene will be used by desperate women in last ditch attempts to express themselves."⁶³ Parvina, blogger, 2013.

Reports from Tajikistan indicate that a tragic consequence of domestic violence is that women in some cases are taking their own lives, sometimes killing their children as they do so.⁶⁴ The Institute for War and Peace reporting (IWPR) published an article in May 2016 stating that *"Suicide rates tend to be high amongst Tajik women, with most deaths occurring in rural areas. According to the State Committee on Women and Family Affairs, 400 women committed suicide between 2011 and 2013. The real figure is likely to be much higher as many deaths are misreported."*⁶⁵ A report by Avesta news agency cited statistics of 200 suicides in the northern Sughd region alone for the first eleven months of 2016, 90 of them women and girls (100 cases in 2015).⁶⁶

Domestic violence is thought to be one of the main causes of suicide by women. IWPR cites experts as saying that *"domestic abuse is a major factor driving some women to desperate measures. In Tajikistan, a bride traditionally moves to her in-laws home and joins a large extended family. This means she has little protection from her own relatives and is vulner-*

⁶² Name withheld on request for security reasons

⁶³ Tajikistan : doomed to humiliation, 14 August 2013, "Parvina", blogger: <http://www.arba.ru/forum/6953>

⁶⁴ The Government Action Plan 2014 stated "in recent years cases of suicide amongst women, girls and adolescents have been observed. In 2011 507 cases were recorded of which 277; in 2012 557 cases of which 287, and for 2013 568 cases of which 299 were carried out by women and girls, and 55 by children which testifies to the unhealthy atmosphere in modern families". <http://www.gender.cawater-info.net/publications/pdf/tj-294-2014.pdf>

⁶⁵ IWPR Tajikistan: New Concerns Over Female Suicides, 4 May 2016, RCA 786, available at: <http://www.refworld.org/docid/5732dedb4.html>

⁶⁶ Avesta.tj In Sughd over 200 cases of suicide were registered, 26 November 2016 <http://www.avesta.tj/2016/11/26/v-sogde-za-registrirovano-svyshe-200-samoubijstv/>

able to systematic bullying and abuse. Domestic violence is common.”⁶⁷ The article quotes Oynikol Bobonazarova, leader of the public association “Perspektiva +” as saying that in family disputes young married women “don’t know what they should do and don’t receive any support from their own relatives, and therefore they turn to suicide [...] This decision [to put an end to their lives and that of their children] is their way of telling us about the intolerable position they are in [...] these women project the horrors of their lives on their children, and, thinking about the future fates of their children after their death, they decide to sacrifice the most precious things they have. This is how they show their distress.”⁶⁸

A parliamentary commission has been established in the Tajikistani parliament to investigate this trend.⁶⁹ Although incitement to suicide is a criminal offence, families often keep suicides secret and so there is little methodical investigation by the law enforcement authorities into the circumstances of all suicides or attempted suicides and prosecutions are reportedly rare. Official statistics for the second half of 2015 reported that the authorities brought criminal prosecutions against perpetrators in 45 cases for “incitement to suicide”.⁷⁰ Representatives of one crisis centre told IPHR in November 2016 that on average they heard about four attempted suicides per month in 2016.

7. State response

Tajikistani legislation establishes equality for men and women in the Constitution and the 2005 Law on State Guarantees of Equality of Men and Women and Equal Opportunities. Gender-based discrimination is against the law⁷¹ and, in 2010 the government adopted a National Strategy to Promote the Role of Women in Tajikistan (2011-2020).⁷²

In addition, in recent years the Tajikistani authorities have taken some significant steps to address domestic violence. CoWFA was in 2006 named as the agency responsible for state policy on protecting the rights of women and families and gender equality.⁷³ The Law on Prevention of Violence in the Family was adopted in March 2013 and a 2014 Government Action Plan aimed to ensure its implementation. In 2015, a “Concept on Family Development” was adopted by government decree, with the aim of making measures to support and strengthen families central to public policy

⁶⁷ IWPR Tajikistan: *New Concerns Over Female Suicides*, 4 May 2016, RCA 786, available at: <http://www.refworld.org/docid/5732dedb4.html>

⁶⁸ IWPR Tajikistan: *New Concerns Over Female Suicides*, 4 May 2016, RCA 786, available at: <http://www.refworld.org/docid/5732dedb4.html>

⁶⁹ IWPR Tajikistan: *New Concerns Over Female Suicides*, 4 May 2016, RCA 786, available at: <http://www.refworld.org/docid/5732dedb4.html> “Lawmaker Abduhalim Gafforzoda, a member of the social, health and family affairs committee in the lower chamber of the Tajik parliament, said that a special commission had been set up to investigate this apparent trend.”

⁷⁰ Progress report on the Government Action Plan on the implementation OHCHR recommendations: <http://khit.tj>

⁷¹ Criminal Code: Article 143 punishes the Violation of equality of citizens on any grounds including gender; Article 153 punishes violations of labour legislation (deliberate illegal dismissal from work, failure to fulfill decision of court on reinstatement in work or any other deliberate violation of labour legislation) and Article 155 Unjustified refusal of job or unjustified dismissal of woman with child below 3 years of age.

⁷² Information provided by Tajikistan in follow-up to the concluding observations of the CEDAW 28 September 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTJK%2fCO%2f4-5%2fAdd.1&Lang=en

⁷³ Decree 609, December 2006.

and “to ensure unquestioning implementation of the principle of equality of men and women in family relations”.⁷⁴

In connection with the May 2016 Universal Periodic Review of Tajikistan by the UN Human Rights Council, the Tajikistani authorities undertook to establish a working group to review the issue of including a specific provision relating to domestic violence in the Criminal Code (see 8.3). Subsequently, the issue of the criminalization of domestic violence was reportedly included into the mandate of the working group on the humanization of Tajikistan’s Criminal Code.

An interagency commission has reportedly been established on prevention of domestic violence which functions under CoWFA, but very little information is publicly available about its mandate and activities.⁷⁵

7.1 Domestic legislation

The adoption of the Law on Prevention of Violence in the Family in March 2013 was seen as a turning point in protection from domestic violence in Tajikistan, and was the result of over a decade of lobbying by women’s rights groups.

In addition to the adoption of this Law, amendments to the Code on Administrative offences and the Law “On Militia” were passed to bring them in line with the new Law. Specifically, two additional articles were introduced to the Code on Administrative offences punishing violations of legislation on the prevention of family violence and violation of conditions established by restraining orders.⁷⁶ The Law “On Militia” was amended with provisions requiring the police to undertake measures to prevent family violence. The government also adopted a Government Action Plan for implementation of the Law on Prevention of Violence in the Family (2014 – 2023) (see 7.2).

The Law on Prevention of Violence in the Family provides a definition of domestic violence and sets out the assistance available for victims protection by the law enforcement services, prosecutor’s offices and courts; legal advice; medical, psychological and social assistance; access to support centres, medical institutions, and rehabilitation services.⁷⁷ The Law outlines procedures for the registration of complaints/referrals by law enforcement officials, “disciplinary conversations” held by police officers with families to determine the causes of violence, referrals to victim support and rehabilitation centres, administrative detention of a perpetrator of violence, guardianship of children, and restraining orders.⁷⁸

⁷⁴ Third Periodic Report of Republic of Tajikistan « On compliance with the Convention against Torture and other Cruel, Inhuman or Degrading forms of Treatment or Punishment 27 December 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTJK%2f3&Lang=en

⁷⁵ Round table hosted by the Government of Tajikistan aimed at thematic discussion of the UN Human Rights Council recommendations to Tajikistan in the framework of the Second Universal Periodic Review Dushanbe, January-February 2017.

⁷⁶ Code on Administrative Offences – addition of Article 93.1 (Violation of the legislative provisions of the Republic of Tajikistan on the prevention of violence in the family) and 93.2 (violation of the terms of a restraining order).

⁷⁷ Article 6, Law on Prevention of Violence in the Family

⁷⁸ Articles 18-19, 21, Law on Prevention of Violence in the Family

Among the measures to prevent family violence the Law envisages placing victims in support centres and medical and social rehabilitation centres.⁷⁹ It establishes that support centers should provide free health, psychological, legal and social assistance and temporary shelter. Support centers should report any threats or incidents of family violence to bodies of internal affairs (with the permission of the survivor).⁸⁰ The Law stipulates that medical and social rehabilitation centres can be opened in existing health care facilities, and that they should provide services such as primary health care, social, psychological assistance. These centres should also report cases of family violence to bodies of internal affairs.⁸¹

The Law also provides comprehensive public education programmes to change perceptions on gender issues, including domestic violence. (See Chapter 10).

Human rights defenders, lawyers and women's rights activists told IPHR that the adoption of the Law on Prevention of Violence in the Family has helped to increase people's awareness that domestic violence is no longer a private matter, but one where the state may intervene. However, the Law fails to provide comprehensive protection for victims of domestic violence and these protection gaps are discussed below.

7.2 Government Action Plan for the Prevention of Violence in the Family

In 2014, the Tajikistani government adopted the Action Plan for the Prevention of Violence in the Family in 2014-2013, which aims to ensure implementation of the 2013 Law, influence public opinion about domestic violence, and raise awareness and understanding of related laws and issues. The tasks set out by the Action Plan include strengthening law enforcement actions on the prevention and detection of domestic violence; gathering data on incidents of domestic violence and ensuring social and legal protection by establishing crisis centres, medical and social rehabilitation services and improving social support.

The Action Plan provides a comprehensive list of implementing agencies⁸², and names CoWFA as the body responsible for its overall coordination and implementation. CoWFA chairs the working group on implementation. Some experts voiced concerns that the CoWFA does not have ministerial status and therefore may encounter difficulties

⁷⁹ Article 18, Law on Prevention of Violence in the Family

⁸⁰ Article 16, Law on Prevention of Violence in the Family

⁸¹ Article 17, Law on Prevention of Violence in the Family

⁸² Including: the Supreme Court; the Council of Justice; the General Prosecutor's Office; the Presidential Statistics Agency; the Presidential Agency for Drug Control; the Ministry of Justice; the Ministry of Internal Affairs; the Ministry of Education; the Ministry of Economic Development and Trade; the Ministry of Labour, Migration and Employment; the Ministry of Health and Social Protection; the Ministry of Culture; CoWFA; the Committee for Youth, Sports and Tourism; the Television and Radio Broadcasting Committee; the Committee on Religious Affairs, Regulation of National Traditions, Ceremonies, and Rituals; local state executive government authorities; and public organizations.

working with weightier ministries. No specific funds have been allocated to state agencies for the implementation of the tasks outlined in the Action Plan, which states only that the work is to be carried out “with funds from the State budget and other extra-budgetary resources”.⁸³ Like the Law, the Action Plan fails to attribute clear tasks to each of the agencies leading to weak coordination between the ministries it enumerates. The Action Plan does not specify deadlines for implementation or specific indicators for measuring impact and progress. It states that CoWFA is responsible for collating six-monthly statistics from all relevant agencies on complaints of domestic violence, media campaigns and prevention activities, divorces and court decisions connected to domestic violence and CoWFA publishes an annual overview of activities on its website with general statistics on violence in the family. Unfortunately, in-depth analysis, and systematic presentation of these statistics is lacking.

8. Obstacles to justice for victims of domestic violence

In 2012, the UN Human Rights Council stressed that woman victims of domestic violence should be supported in accessing justice mechanisms and given relevant and timely information and access to effective remedies. Access to justice was recognized as central to eliminating violence against women.⁸⁴

However, throughout Tajikistan, victims of domestic violence experience problems in obtaining legal support and protection by both law enforcement bodies and courts. NGOs providing legal services have observed that the provisions of the Law on the Prevention of Violence in the Family have had little effect in improving the situation in this regard and that significant obstacles to justice remain, which are outlined below.

8.1 Failure to establish a clear implementation mechanism

As its name suggests, the Law on Prevention of Violence in the Family concentrates primarily on the prevention of domestic violence rather than establishing a comprehensive framework of prevention, referrals, protection from violence and rehabilitation of survivors as required by international human rights standards.

The Law lists the state agencies responsible for its implementation, which include the national and local bodies of the Ministry of Education, Ministry of Health, Ministry of Labour and Social Protection, Ministry of Internal Affairs, local ad-

⁸³ Government Action Plan for the Prevention of Violence in the Family, 2014 <http://www.gender.cawater-info.net/publications/pdf/tj-294-2014.pdf>

⁸⁴ Resolution adopted by the Human Rights Council 20/12. Accelerating efforts to eliminate all forms of violence against women: remedies for women who have been subjected to violence http://www.un.org/ga/search/view_doc.asp?symbol=AHRC/RES/20/12

ministrations and committees on women and family affairs, and victim support centres⁸⁵, but provides insufficient detail about how these bodies should interact. It does not refer to the roles or responsibilities of prosecutor's offices or the courts in cases of domestic violence. The Law stipulates that the government is responsible for coordinating the implementation of the Law, but in practice this does not happen. In addition, the Law fails to attribute clear responsibilities to the different government agencies, and does not clarify mechanisms by which the enforcement of the law can be monitored and evaluated.⁸⁶ It does not provide clear instructions for referrals, filing complaints, monitoring the situation in vulnerable families, or the issuance of restraining orders (see 8.4.3). The Law provides that intervention measures to prevent violence will depend on the individual situation, but does not clarify the criteria by which cases should be assessed and intervention decided.⁸⁷

8.2 Lack of recognition that domestic violence primarily affects women

The Tajikistani authorities fail to consistently and publicly recognize that domestic violence disproportionately affects women and girls.

In 2014, the Head of CoWFA emphasized the effect domestic violence has on men, saying that a significant number of men have turned to CoWFA with complaints about suffering domestic violence from their wives.⁸⁸ MIA statistics for 2015 and the first five months of 2016 reported that of 145 complaints of violence in the family 115 were made against male perpetrators and 30 against female perpetrators.⁸⁹ In explaining the incidents of violence against men, NGO representatives pointed out that the patriarchal family system puts significant pressure on men as heads of households, and that in many cases the perpetrators of domestic violence against men are members of their families.⁹⁰

While it is right that all cases of violence within a family are condemned and the perpetrators, whoever they may be, are punished, it is important that the Tajikistani authorities publicly acknowledge that the main targets of domestic violence are most often women and that specific programmes and protection need to be established to protect them. It is imperative that legislation specifically refers to the fact that domestic violence can be carried out by any member

⁸⁵ Articles 7-17 Law on Prevention of Violence in the Family

⁸⁶ Sharipov, Sh. (2015) Why is the Law on Prevention of Violence in the Family not Working? Asia-plus, <https://www.news.tj/ru/news/pochemu-ne-rabotaet-zakon-o-preduprezhdenii-nasilija-v-seme-multimedia>

⁸⁷ Article 18.3 of the Law "On Prevention of Violence in the Family". Article 18.4 further states that the decision on individual intervention for prevention of violence in the family can be appealed in accordance with the law. However the law does not clarify who should issue the decision, in what time frame.

⁸⁸ Mavzuna Abdulloeva "Save the men" 3 November 2014! <http://www.ozodagon.com/18666-beregite-muzhchin.html>; 1,6 thousand Tajik men complained to CoWFA in 2014, Mavzuna Abdulloeva, 26 January 2015

⁸⁹ Report on the Action Plan on implementation of UN Human Rights Committee recommendations, citing MIA statistics. <http://khit.tj>

⁹⁰ Interview with Human Rights NGO director, February 2017

of the family (see 8.3.1 below) and also that it emphasizes that domestic violence most often occurs in situations where the usually male perpetrator (and his relatives) exercise control and dominance over the usually female victim. Women's rights campaigners IPHR met with in Tajikistan argue that the law should explicitly reflect that domestic violence is directly linked to power and control and provide a framework for careful assessment of the causes of domestic violence.

During discussions with crisis centers it was further observed that family conflicts, such as arguments between husbands and wives about housing, the family budget, and divorce or alimony payments are sometimes erroneously classified by individuals and service providers as cases of domestic violence.

8.3 Legislative shortcomings and protection gaps

8.3.1 LACK OF CLEAR DEFINITION OF "FAMILY"

The Law on Prevention of Violence in the Family refers to the prevention of *"family violence"*. Article 1 refers to *"any intentional illegal act of physical, psychological, sexual⁹¹ or economic nature committed in family relations by one member of the family towards another member of the family resulting in violation of his rights and freedoms, physical pain or damage to health."*⁹² Although earlier drafts of the Law reportedly included more information about family members, the adopted version does not provide a definition of *"family"* or stipulate which relatives are covered by the law, making it unclear if violence from in-laws is covered and what scope of familial relations is covered by the Law. The definition of family violence refers to one family member committing an act of violence towards another family member, but the Law should be amended to reflect the fact that in Tajikistan couples often live with their extended families and that domestic violence can be committed by several perpetrators simultaneously. In addition, while the law provides for couples living in unregistered marriages by specifically referring to couples that live together and run a joint household, it could exclude people involved in polygamous marriages.⁹³

8.3.2 FAILURE TO RECOGNIZE ALL FORMS OF DOMESTIC VIOLENCE AS CRIMES

A major weakness in the Law on Prevention of Violence in the Family is its failure to classify all forms of domestic violence as crimes in a manner which addressed the dependent relationship of the victim and the offender as well as the systematic nature of the violence. The Law provides instead for administrative liability: the Code on Administrative

⁹¹ The Law does not mention spousal rape, neither is this criminalized in the Criminal Code. The concept of spousal rape is neither widely accepted nor understood in Tajikistan.

⁹² Article 1, Law on Prevention of Violence in the Family

⁹³ UN CEDAW Concluding observations on the combined fourth and fifth periodic reports of Tajikistan 29 October 2013 17b *"the lack of a specific definition of family in the existing legislation . . . may leave out of its scope women in de facto polygamous relations, which are quite widespread, in particular in rural and remote areas."* http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fJK%2fCO%2f4-5&Lang=en

Offences (Article 931) stipulates that actions which violate the Law, if not classified as crimes under the Criminal Code, should be punished by fines equivalent to from two to five times the base calculation rate.⁹⁴ If a perpetrator violates a restraining order, the punishment can be a fine of from five to ten times the base calculation rate, or administrative detention from five to 15 days. The latter provides for judicial discretion based on his or her assessment of the case and their subjective gender perceptions.

Women's rights campaigners argue that imposing fines on perpetrators of domestic violence often causes financial hardship to the survivor and/or her children, who are often economically dependent on the perpetrator. The UN recommends that *"In cases where fines are imposed, they should be combined with treatment and supervision of the perpetrator through probation."*⁹⁵

Classifying all forms of domestic violence as crimes would send an unequivocal message about its unacceptability to the traditional, patriarchal society in Tajikistan and thus help to combat impunity. It would additionally allow for improved tracking of the effectiveness of intervention and prevention strategies.

In 2013 CEDAW urged Tajikistan to include domestic violence as a crime in the Criminal Code, and in 2015 Tajikistan reported that the authorities had set up a working group to study this issue. In September 2016 the Tajikistani government accepted recommendations received in the framework of the UN Human Rights Council's Universal Periodic Review, and undertook to establish a working group study including the crime of domestic violence in the Criminal Code within next four years. As stated above, the government Working Group on the humanization of criminal legislation is drafting a new version of the Criminal Code and is considering this alongside other recommendations from UN human rights bodies. Civil society representatives participate in this working group.

It is worth noting that there is lack of common agreement on the criminalization of domestic violence among women's rights organizations, service providers and experts, some of whom fear that if domestic violence is criminalized women will be more hesitant to complain. However, the practice of other states, such as Moldova for instance, has demonstrated that criminalization of domestic violence led to a dramatic reduction in domestic violence.

8.3.3 FAILURE TO GUARANTEE FREE LEGAL AID TO VICTIMS OF DOMESTIC VIOLENCE

The Law on Prevention of Violence in the Family does not guarantee free legal aid to victims of domestic violence, although domestic legislation provides for free legal aid to those suspected, accused and convicted of criminal of-

⁹⁴ The base rate is established on an annual basis by the Law on National Budget. In 2016 the base rate was 50 Tajik Somoni (approximately 6 Euros)

⁹⁵ UN Handbook for Legislation on Violence Against Women <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

fences, meaning that in some cases the alleged perpetrator of domestic violence is allowed free legal aid, but not the victim.⁹⁶ State resources are not attributed for free legal aid and no implementation mechanism is outlined. However, as part of ongoing reforms to the legal aid system, in accordance with the Concept on Provision of Free Legal in the Republic of Tajikistan which was adopted in 2015 for eight years, domestic violence has been included in the list of cases when free legal aid should be provided with pilot schemes being planned.⁹⁷

8.3.4 FAILURE TO SET OUT QUALITY STANDARDS FOR SERVICE PROVIDERS

Whilst the Law on Prevention of Violence in the Family contains general legal provisions authorizing the provision of support services, it says nothing about criteria and regulations governing quality standards of service provision or about referral systems for victims of domestic violence.

8.3.5 FAILURE TO CLARIFY STATE RESPONSIBILITY FOR PROVISION OF TEMPORARY SHELTER TO VICTIMS OF DOMESTIC VIOLENCE

As far as service provision is concerned, the Law on the Prevention of Violence in the Family refers to support centres run by NGOs as providing shelters but does not stipulate that centres or rehabilitation centres established by local authorities are required to provide shelters for victims of domestic violence. As described above, the tradition of living in extended families is common in Tajikistan due, inter alia, to lack of funds for separate accommodation for young families. Thus, the lack of legal provisions for a means of escape from home in the form of shelters puts the lives of domestic violence victims/ survivors directly at risk.

8.4 Problems with police protection and intervention

“If I’m honest, sometimes I can’t manage everything... so some cases get less attention and some don’t get any at all. The problem of domestic violence needs careful attention and one special inspector can hardly solve it alone.

If the number of officers in our police stations is not increased their main role will be restricted to the simple gathering of statistics”. Senior police lieutenant Mazura Murodalieva, September 2015.⁹⁸

“Unless there is a corpse the authorities won’t react to a woman’s calls for help”

NGO Director working with victims of domestic violence, November 2016.

⁹⁶ Constitution of Tajikistan, Article 92; Criminal Procedure Code Article 51 provides for the assignment of a lawyer to a suspect/ accused/ defendant upon request, and stipulates that the police investigator, prosecutor or judge can appoint a lawyer; The Law “On Lawyers and Legal activity” of 2015 provides in Article 32 for the provision of free legal aid in cases concerning alimony; employment; war veterans; vulnerable families; refugees; minors; and other cases as determined by a court there is currently no provision for automatic free legal aid for victims of domestic violence.

⁹⁷ State follow up report to CEDAW Committee, October 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fc%2fTJK%2fCO%2f4-5%2fAdd.1&Lang=en

⁹⁸ “Inspector – the issue of violence in Tajikistani families requires special attention” Sputnik news agency, 19 September 2015, <http://ru.sputnik-tj.com/society/20150819/1016463201.html>

Under the Law on Prevention of Violence in the Family, the MIA with its subdivisions is the main agency responsible for implementation. Among other issues, the Law specifies the Ministry's role in identifying and registering cases of family violence; exchanging information with other relevant state bodies and maintaining statistics of cases of family violence. The Law additionally lists response mechanisms for domestic violence cases, including: issuing restraining orders, conducting disciplinary discussions with abusers and overseeing administrative detention (from 15 to 30 days) etc. However, until 2016 there were no clear instructions on how these response measures should be implemented in practice.

Azimjon Saifiddinov, consultant for UN Women and Chairperson of the Civil Council for the promotion of civil society police reform under the MIA who worked with the MIA on the development of the instructions for implementation of the Law on the Prevention of Violence in the Family, told IPHR that implementation of the Law began only in 2016, after the Civil Council, (a group of lawyers, journalists and civil society representatives) initiated the drafting of the "Instruction on the Activities of Bodies of Internal Affairs to Prevent, Eliminate and Provide Support in Cases of Violence in the Family" (further - Instruction).⁹⁹ The instruction was approved on 20 April 2016 by Decree No. 27 of the Minister of Internal Affairs and provides a list of actions that bodies of internal affairs should undertake in cases of domestic violence as well as mechanisms for issuing protective orders, ensuring compliance with restraining orders and referrals to support services.¹⁰⁰

MIA officials collate statistics on domestic violence, but the available information does not allow for an assessment of the effectiveness prevention and protection efforts by different police forces across the country. For example, in its follow up information report to CEDAW, the Tajikistani government reported that over five months of 2015 specialized police inspectors examined a total of 81 domestic violence complaints including "32 involving violence against women, 2 involving violence against minors, and 11 involving violence in the home".¹⁰¹ The report fails to specify what is meant by "violence in the home", compared to violence against women. In early December 2016 IPHR wrote to the MIA asking them to share any statistics on domestic violence but at the time of writing had not received any response. The absence of detailed and differentiated statistics makes it difficult to track and evaluate the police response to domestic violence. However, NGO representatives, lawyers and victims of domestic violence identified several with police protection and intervention that are outlined below.

⁹⁹ The civil council, which plays an advisory role to the Ministry of Internal Affairs, was established in May 2015 and includes two lawyers, two journalists, six NGO representatives, 4 teachers/ academics and one member of local government .

¹⁰⁰ The annex contains a form for police officials to record each case they work on; a consent form for survivor of domestic violence; and a form for police to record the number of cases of domestic violence they have worked on and the assistance provided (including details of the sex and age of the persons involved).

¹⁰¹ State follow up information to UN CEDAW October 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJK%2fCO%2f4-5%2fAdd.1&Lang=en;

8.4.1 LACK OF SUFFICIENT NUMBERS OF SPECIALIZED POLICE OFFICERS TRAINED IN INTERVENTION IN DOMESTIC VIOLENCE

As described above, the MIA has a key role in intervening in cases of domestic violence and is, by law, responsible for referrals. However, MIA officials do not have enough trained staff to implement this role sensitively and an interagency team of psychologists/ social workers and police should be set up to intervene and coordinate responses.

In order to facilitate the implementation of the Law on Prevention of Family Violence, the OSCE office in Tajikistan provided support to the MIA to recruit and train police officers specializing in the prevention of domestic violence. In 2010 five such posts were established (in Dushanbe, Khatlon and Soghd regions), and another five posts have since been added. All ten posts, which are mainly held by female police officers, are now funded by the MIA.¹⁰²

These specialized police inspectors intervene in cases of domestic violence, issue restraining orders, and work with families and wider communities on the prevention of domestic violence. Women's NGOs in Qurghonteppa, Dushanbe and Kulyab assess this as a positive development: the specialized police inspectors can sometimes intervene alongside NGOs and explain to perpetrators that domestic violence is illegal. However, given the scale of domestic violence in Tajikistan ten officers to cover the whole country is inadequate. As one NGO director told IPHR, *"There are not enough posts established - we need such police officers in each police station, in each village"*. IPHR was also told that the specialized police inspectors are in need of equipment such as police cars to enable them to react to domestic violence incidents on time and extra staff as specialized police officers on occasion find themselves having to intervene in sensitive and violent domestic violence situations alone.¹⁰³

8.4.2 FAILURE BY POLICE OFFICERS TO ENSURE THAT THE LAW ON PREVENTION OF VIOLENCE IN THE FAMILY IS ROUTINELY IMPLEMENTED

Despite increased training provided for police officers about domestic violence, reports from NGO representatives and lawyers indicate that many police officers still fail to routinely implement the provisions of the Law or the police Instruction. When a victim of domestic violence contacts the police, (either by phone or by visiting the police station in person), police officers are often reportedly reluctant to receive or consider her complaint.¹⁰⁴ Many victims of domestic violence reported to NGOs that police officers dismissed their complaints or tried to persuade them to reconcile with the perpetrators. Several victims told IPHR that they had tried to report incidents of domestic violence

¹⁰² Third Periodic Report of Republic of Tajikistan, On compliance with the Convention against Torture and other Cruel, Inhuman or Degrading forms of Treatment or Punishment, 27 December 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fTJK%2f3&Lang=en

¹⁰³ Interviews with NGO representatives names withheld on request

¹⁰⁴ June Zeitlin, the Special Representative of the OSCE Chairperson-in-Office on Gender Issues reported after a country visit to Tajikistan that 10 percent of police workers are female. Report of November 1-5, 2014

to their local police stations (which were not staffed by specialized police inspectors) but were told to “*think about your children*”, “*go home – we don’t want to get involved in your business*”, and “*think about what will happen to you if your husband is arrested and goes to prison*”.¹⁰⁵ One journalist told IPHR that despite the adoption of the Law victims continue to face difficulties in getting police to investigate their cases and turn to journalists when they have exhausted other channels.¹⁰⁶

Whilst noting the value of the Instruction in clarifying police responsibilities, it is important that all police officers are trained on how to respond to cases of domestic violence and that the Law is routinely enforced in all police stations, and not only by those with specialized gender police officers. These specialized officers could usefully provide advice on methodology and support to other police officers.

8.4.3 CONCERNS OVER THE EFFECTIVENESS OF RESTRAINING ORDERS

The Law on Prevention of Violence in the Family provides for restraining orders which are valid for up to 15 days. These can be issued by the head or deputy head police officer of a local police station to perpetrators of domestic violence within 24 hours of it being reported. Some experts told IPHR that this requirement is complicated as senior police officers are not always available and that all police officers should be able to issue restraining orders.¹⁰⁷ According to MIA statistics, 99 restraining orders were issued by specialized police inspectors in the first five months of 2016; no restraining orders were issued in 2013; and 72 in 2014.¹⁰⁸

Restraining orders can be extended for up to 30 days at the victim’s or her lawyer’s request (upon approval of the prosecutor).¹⁰⁹ The Law provides that while a restraining order is in force the perpetrator should not be violent towards a victim, or undertake any conversations, relations or behaviour (including following her) which would limit a victim’s freedom and that the perpetrator should avoid consuming alcohol and drugs.¹¹⁰ Failure to abide by these terms can lead to the perpetrator having to pay an administrative fine or being subjected to administrative detention from five to 15 days.

The Law does not, as, for example, the Moldovan law on domestic violence does, provide that restraining orders can prohibit an aggressor from contacting the victim or her children or other dependents. Instead, the Law stipulates that when necessary, a restraining order can stipulate that the abuser should return home at a reasonable hour. The Law

¹⁰⁵ Interviews with victims of domestic violence in Dushanbe, Khujand and Qurghonteppa, 31 October to 6 November 2016, names and details withheld on request for security reasons

¹⁰⁶ Name withheld on request for security reasons

¹⁰⁷ name withheld on request for security reasons

¹⁰⁸ MIA statistics, report on implementation of Plan of Action for implementation of UN HRC recommendations for the first 6 months of 2016 SILKA <http://khit.tj>

¹⁰⁹ Article 21 of the Law on Prevention of Domestic Violence in the Family

¹¹⁰ Article 21 Law on Prevention of Domestic Violence in the Family

requires the aggressor to cover costs of medical and social rehabilitation¹¹¹ resulting from the violence, but does not require the aggressor to participate in a counselling programme or restrict the unilateral disposal of common assets.

The Law fails to set out clear procedures for requesting a restraining order, resulting in lawyers and victims of domestic violence sometimes assuming that these have to be issued by law enforcement officials. Therefore, currently the restraining order serves primarily as a tool of police intervention, to let the abuser know his behaviour is being monitored, rather than a tool of protective intervention preventing further violence towards the victim.

An additional shortcoming with the current system of restraining orders is that they are issued for up to 15 days and can be extended for another 30 days, during which time a perpetrator can be brought to administrative responsibility if the violence continues. However, this period is very short, and there are concerns that this system is not effective because the perpetrator can wait 15 days, abiding by the restraining order, only to continue the violence once it has expired and thus escape punishment. The short validity of restraining orders also affects the ability of police inspectors to protect victims of domestic violence and they are not able to monitor the behaviour of the perpetrator once the restraining order has expired.

NGO representatives and lawyers in Qurghonteppa, Khujand and Dushanbe told IPHR that only those police officers who have received specialized training on domestic violence actively issue restraining orders. An expert consultant, Azimjon Saifiddinov,¹¹² told IPHR that although the police Instruction allows police officers to act if the conditions of restraining orders are violated (i.e. if the perpetrator breaks the ban on alcohol he can be held under administrative arrest for up to 15 days), in many regions these provisions are not implemented in practice.

8.5 Problems with accessing medical examinations

In Tajikistan, women who want to obtain a medical certificate documenting evidence of domestic violence can face obstacles, particularly if they live in remote and rural areas where the lack of swift referral services makes it difficult to see a medical expert while the injuries are still visible. The requirement that the medical certificate used in criminal prosecutions for domestic violence should contain evidence of physical abuse makes it impossible for victims of economic and psychological abuse to obtain justice.

Victims of domestic violence are only given free-of-charge medical examinations when they have a referral from the police and even then not always: one victim of domestic abuse told IPHR how she had to pay for a medical exam-

¹¹¹ Article 17.2 Law on Prevention of Domestic Violence in the Family

¹¹² Interview with Azimchon Saifiddinov, consultant to “UN Women” and director of the non-governmental organization “Eurasia Foundation for Central Asia – Tajikistan”, 31 October 2016

ination despite having been referred by the police.¹¹³ Without a referral they have to pay.¹¹⁴ IPHR was told that often only male doctors are available whom women victims of domestic abuse are more reluctant to see.¹¹⁵ If the woman is referred for a medical examination by the police, the medical conclusions are often then sent directly to the police station and not to the victim herself. Unless the medical conclusions indicate very serious injuries, the police simply put the medical conclusions on file. Therefore, the victim is left without any proof of her injuries – and in order to get a copy of the document, she has to submit a written request to the police station, which can take a long time and can be complicated for victims in a precarious physical and emotional situation.¹¹⁶

In January 2017, the Ministry of Health and Social Protection reported that it is in the process of developing standards of response to domestic violence cases as well as a referral mechanism, which will include guidelines on the documentation of domestic violence cases by health personnel.¹¹⁷

8.6 Victims responsible for pursuing complaints against their abusers in courts

Although there is no specific article criminalizing domestic violence in the Tajikistani Criminal Code, other articles of the Criminal Code can be used to prosecute violent incidents. Currently, only domestic violence offences which result in serious injury are prosecuted by the state, but in cases resulting in minor or medium bodily harm¹¹⁸ victims are required to pursue complaints as “private prosecutions” through the ordinary criminal courts.¹¹⁹ This system hinders both effective protection for victims as well as their access to justice.

This systems from the introduction in the 2010 Criminal Procedure Code (CPC)¹²⁰ of “private prosecutions” which stipulates in Article 24.2 that cases which fall under Criminal Code articles 112, 116 and 156 parts 1 and 2 are considered “matters for private prosecutions” and will be initiated on complaint of the victim or his/her legal representative, who

¹¹³ Interview with victim of domestic violence, February 2017

¹¹⁴ According to one NGO Director, (name withheld on request) medical examinations are free if the victim has a certificate from the local authorities confirming that the family has no resources, but that the local authorities only agree to issue such certificates if the family does not have any outstanding debts to local authorities.

¹¹⁵ Interview with NGO Director, name withheld on request November 2016

¹¹⁶ Interview NGO Director (name withheld on request), November 2016

¹¹⁷ Round tables hosted by the Government of Tajikistan aimed at thematic discussion of the recommendations given to Tajikistan in the framework of a Second UPR Cycle, Dushanbe, January-February 2017.

¹¹⁸ Criminal Code articles 112 and 116

¹¹⁹ The Articles of the Criminal Code typically used to prosecute domestic violence include: Driving a person to suicide (article 109); intentional major bodily harm (article 110); Intentional minor bodily harm (article 111); intentional bodily harm of lesser degree (article 112); assault (116); torture (117); rape (article 138); forcible actions of sexual character (article 139); sexual intercourse and other actions of sexual character with an individual under 16 years (article 141); debauchery in relation to a minor under 16 (article 142); hooliganism (article 237). Only two of these articles, 112 and 116 are considered “private prosecution cases”, and article 138.1 is a case of private-public prosecution which can be initiated at the victim’s request.

¹²⁰ The 1961 CPC provided that citizens could appeal these issues to the local police, who were required to take measures to stop criminal behavior, investigate the crime, prepare the necessary materials, and send the materials to the court for initiation of criminal proceedings.

instead is required to submit a complaint to court directly asking for the perpetrator to be prosecuted.¹²¹ Although Article 24.4 of the CPC provides that prosecutor's offices can pursue public prosecutions in both private and public cases, in practice they do not do so.¹²²

Therefore, if a victim of domestic violence who has sustained medium or light injuries turns to the police for help, she will often be advised to pursue the complaint to the court herself. This means that the victim has to: find and pay for a lawyer to write a complaint to the court in the required legal format; file it with the court; gather the necessary evidence (medical examination conclusions and find witnesses), all the while in a vulnerable physical and emotional state.¹²³

8.7 Difficulties for victims in providing proof of domestic violence

The CPC stipulates that, when filing a complaint at court, a victim should specify a list of witnesses who can testify and provide proof. Experts interviewed by IPHR highlighted that this significantly complicates the situation for victims of domestic violence trying to pursue complaints against perpetrators and in cases of psychological abuse it can prevent effective police response.

For example, it is often difficult or impossible to persuade witnesses from among family or neighbours to give evidence in court relating to incidents which occurred in a family home.¹²⁴ Medical expert conclusions could serve as proof, but an NGO lawyer working in Khujand told IPHR that in many cases the medical expert conclusions are held on file in police stations and are difficult for victims to obtain.

Mavjuda told IPHR about her recent struggle to bring her abusive husband to justice:

Mavjuda is 31 years old. She was married at 16 because her grandparents wanted to see her get married in their lifetime. Her grandparents chose her future husband and she first saw him on the day of their wedding.

"The abuse by began 17 days after I got married, and it got progressively worse. I was beaten, stabbed with knives and forks, and shot at. Three months into the marriage, my husband shot me in the leg, and the bullet remained there for the next 14 years, causing me to limp. When I was 17, my first child was born.

The abuse got worse... my husband used to beat me, and hold a knife to my throat. He shaved my head. He forced me to eat sheep's

¹²¹ Article 354 CPC

¹²² Interview with NGO Director, name withheld on request, November 2016

¹²³ Interview with independent expert, name withheld on request, November, 2016

¹²⁴ Interview with independent expert, name withheld on request, October 2016

food from the animal trough and then made me bleat like a sheep.

Although the violence didn't happen every day there was a lot of violence over the 14 years. I put up with this for the sake of my three children, so they would not grow up without a father. My parents in law were also abusive and once my mother in law beat me. They always supported my husband when he beat me. I confided in one neighbour about the violence, and she told me to put up with it for the children's sake. Anyway, I had no work, no means of making any money and nowhere to go.

The violence was so bad that I tried to commit suicide four times, and one time my son witnessed me trying to hang myself.

On 4 June 2015 my husband claimed he'd seen me with a lover and beat me several times on the back with the blade of a scythe, causing deep wounds. That was the day I returned home to my parents.

I told my parents what had happened and I was lucky, my father helped me. In July 2015 I went to lodge a complaint with the prosecutor's office in Chkalovsk and they forwarded my complaint to the police station in Chkalovsk, but the police did not react. I also turned to the local Committee for Women's and Family Affairs but they didn't help me either and just supported my husband. There is no help at all for women here.

When the police began investigating the case against my husband, he falsified evidence that I had been unfaithful – he paid for a false recording of my voice and even obtained an expert conclusion confirming that the voice on the falsified tape belonged to me. The police then told me that it was my own fault for having a lover. When I found out about this I was in hysterics. I knew it wasn't true but it was extremely difficult for me to prove to my parents and children that I had not been unfaithful.

After this I again tried to end my life. I took an overdose and had to spend two days in hospital. The doctors asked me why I was there and after that the police came to the hospital and took a statement about my husband's actions and how they had driven me to attempt suicide. In August 2015 a case was opened against my husband [for incitement to suicide (Article 109.2)]

The court of first instance sentenced my husband to a prison term of 5.5 years. This term began on 18 February 2016 but, he appealed against the sentence and on 23 April 2016 the Court of Appeal ruled he should be released from prison and put on probation. The Court of Appeal ruled to exclude elements of the charges, such as him forcing me to eat sheep food, on the grounds that there were no witnesses and no proof. My husband argued that he had beaten me in an emotional state as I had been unfaithful. He was released on 28 April 2016. He and his father later said that they had bribed the judge.

When my husband was released from prison, my father helped me to appeal the decision and lodge complaints with the Presidential Apparatus who referred the case to the Supreme Court. On 23 August 2016 the Supreme Court overturned the decision of the Court of Appeal and sent the case back for further investigation.

On 12 October 2016 a new court hearing took place, and the court found my husband guilty of trying to drive me to suicide. The court applied an amnesty which reduced his sentence. The authorities are now trying to find my husband so he can begin serving his prison term. But he has gone into hiding.”

The court omitted to rule on the provision of any psychological support to Mavjuda, nor on compensation for her suffering. At the time of writing Mavjuda’s husband was still in hiding, having served just 2 months of his 5.5 year sentence.

8.8 Impunity for perpetrators of domestic violence

“A child should not see his mother beaten and silent and his father go unpunished. There should be some punishment for this – if abusive husbands are not punished then women won’t dare to come forward to complain and ask for help.” Victim of domestic violence, Dushanbe, November 2016.

Judges in Tajikistan are appointed by presidential decree, and problems including low salaries, bureaucracy, corruption and lack of training continue to mar judicial independence.¹²⁵ IPHR was told by one victim of domestic violence that her husband claimed he bribed the judge several times to keep the case against him out of court.¹²⁶ Official statistics give an idea of the extent of impunity when it comes to cases of domestic violence: in 2014, just 25 criminal cases relating to domestic violence were considered by courts in relation to 26 people, and that in 2015 and the first five months of 2016 89 criminal cases relating to 93 persons were initiated and sent for court review.¹²⁷

8.8.1 JUDGES NOT SUFFICIENTLY SENSITIVE TO ISSUES OF DOMESTIC VIOLENCE

A lack of meaningful support for those victims of domestic violence who try to pursue their complaints through the courts is reported. Judges, who have not all received sufficient training on issues of domestic violence, reportedly often advise women to consider the impact on their children if their husband goes to court and is “branded as a criminal”, thus attempting to dissuade women from lodging complaints.¹²⁸

According to NGO representatives, in divorce cases where domestic violence is a factor, judges sometimes prioritize the protection of the family unit over that of individual family members and fail to adequately inquire into issues of domestic violence, instead allowing two or three months for the couple to reconcile before ruling on divorce. NGO

¹²⁵ Freedom House: Nations in Transit 2016 <https://freedomhouse.org/report/nations-transit/2016/tajikistan>; US Department of State: Country Report on Human Rights Practices 2015 - Tajikistan, 13 April 2016 <https://www.state.gov/j/drl/rls/hrrpt/2015/sca/252977.htm>

¹²⁶ IPHR interview with Mavjuda, Khujand November 2016

¹²⁷ State progress report on implementation of ODHIR recommendations <http://khit.tj>

¹²⁸ In October 2015 the Tajikistani government reported to CEDAW that On 19 and 20 November 2014, the National Centre for the Law in the in 2014 221 judges were trained on issues relation to the Law “On Prevention of Domestic Violence in the Family”. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fJK%2fCO%2f4-5%2fAdd.1&Lang=en

representatives and experts advocate that legislative amendments should be made to the Family Code to clarify the circumstances in which a fast-track divorce procedure should be allowed, grounds which should include domestic violence.

In 2015 the Supreme Court undertook an analysis of judicial practice relating to domestic violence and made recommendations to local authorities and local CoWFA offices on addressing root causes. It is now important that the Supreme Court adopts a Resolution of the Plenum outlining judicial standards for reviewing domestic violence cases.

8.8.2 INADEQUATE PROVISIONS PROTECTING VICTIMS OF DOMESTIC VIOLENCE IN COURT

The UN recommends that legislation should *“guarantee, throughout the legal process, the complainant/survivor’s right to: Decide whether or not to appear in court or to submit evidence by alternative means, including drafting a sworn statement/ affidavit, requesting that the prosecutor present relevant information on her behalf, and/or submitting taped testimony; when appearing in court, give evidence in a manner that does not require the complainant/survivor to confront the defendant, including through the use of in-camera proceedings, witness protection boxes, closed circuit television, and video links; Protection within the court structure, including separate waiting areas for complainants and defendants, separate entrances and exits, police escorts, and staggered arrival and departure times; Testify only as many times as is necessary; Request closure of the courtroom during proceedings, where constitutionally possible; and a gag on all publicity regarding individuals involved in the case, with applicable remedies for non-compliance.”*¹²⁹

In Tajikistan legislative provisions allow a judge to rule that a victim of domestic violence pursuing a private complaint need not be permanently present in court but can appear to give evidence only.¹³⁰ The judge can also rule to hold the hearing in closed session to protect confidentiality.¹³¹ Protective tools such as screens separating the victim from the perpetrator are not used, although the use of video testimony is allowed at the judge’s discretion.¹³² Insufficient mechanisms to protect and support the victim during the court process further deter victims from giving evidence and pursuing justice. More female judges are needed to hear domestic violence cases.

8.8.3 RECONCILIATIONS BETWEEN VICTIM AND PERPETRATOR

An issue of concern is that under some circumstances criminal prosecutions for domestic violence are terminated

¹²⁹ UN Handbook for Legislation on Violence against Women, 2010 <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

¹³⁰ CPC Article 282.3 stipulates that at the request of the victim the judge can rule to dispense him or her from being present in court, requiring them to be present only to give evidence.

¹³¹ CPC Article 273.2 provides that a judge can rule to hold the hearing in closed session if the case involves crimes of sexual or intimate nature.

¹³² CPC Article 317.1 states that videos of questioning of victim and witnesses is allowed:- When there are essential contradictions between the testimony and testimony given in court; When a victim or witness is absent from court for reasons considered valid by the judge

when the victim reconciles with the perpetrator.¹³³ In Tajikistan, the CPC provides that crimes such as deliberate infliction of light injury (Criminal Code Article 112) and battery (Criminal Code Article 116) should be pursued through private prosecution, can be opened upon a statement by the victim and, in July 2016, the CPC was amended to specify that such cases can be terminated upon reconciliation with the perpetrator.¹³⁴

Other categories of more serious crimes, including rape without aggravating circumstances,¹³⁵ are cases for private-public prosecution meaning that the case can be opened by a victim, but once opened it cannot be terminated due to reconciliation of the victim with the perpetrator. However the CPC¹³⁶ provides for an exception to this by stipulating that the judge, prosecutor, or investigator with the agreement of the prosecutor have the right to refuse to open a case based on a statement from the victim if a) the case involves a low or medium level injury and b) the perpetrator has reconciled with the victim and paid compensation for the injuries caused. In such cases the authorities are permitted to close the criminal case and exempt the perpetrator from criminal responsibility.

Guidelines produced by the UN Division of the Advancement of Women¹³⁷ recommend the prohibition of mediation in cases of domestic violence as well as *“friendly agreements”* that allow for the payment of compensation and other means of reconciliation. The UN Handbook for Legislation on Violence against Women recommends mediation both before and after legal proceedings is prohibited in all cases of violence against women, because *“It removes cases from judicial scrutiny, presumes that both parties have equal bargaining power, reflects an assumption that both parties are equally at fault for violence, and reduces offender accountability.”*¹³⁸

Exact information relating to this issue is difficult to obtain due to the lack of detailed statistics on the crimes of domestic violence considered by courts. IPHR wrote to the Supreme Court in December 2016 asking them to provide such information but had received no response at the time of writing.

8.8.4 AMNESTIES ARE ROUTINELY APPLIED TO PERPETRATORS OF DOMESTIC VIOLENCE

An ongoing injustice for victims of domestic violence in Tajikistan is that amnesties are regularly applied to perpetrators both who are under investigation and who have been convicted. If perpetrators of domestic violence are included in amnesty lists, then all ongoing police investigations and outstanding court processes cease and they thus avoid

¹³³ CPC, Article 73 provides for dropping of criminal charges if the two sides reconcile and if compensation is paid by the perpetrator.

¹³⁴ In 2016 CPC article 24.3 was amended to stipulate: *“In the case of reconciliation of the victim of the crime and the accused and the provision of compensation for harm caused to the victim, the proceedings will be terminated”* (Law 1332 of 23/07/16).

¹³⁵ Such as deliberate infliction of damage to health in the state of heat of passion (Art. 113 of the Criminal Code), intentional infliction of grievous bodily harm (Art 114 of the Criminal Code), infliction of grievous harm to health committed by negligence (Art. 118 of the Criminal Code), infliction of medium damage to health committed by negligence (Art.119 of the Criminal Code), rape without aggravating circumstances (Art. 138 of the Criminal Code)

¹³⁶ Article 30

¹³⁷ UN Expert group meeting in Vienna, Austria in 2008

¹³⁸ <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

punishment and those convicted have their sentences reduced. The practice of allowing perpetrators of domestic violence to benefit from amnesties contributes to impunity and undermines efforts to put a stop domestic violence.

Mavjuda, who suffered 14 years of extreme violence from her husband, was distraught when the five and a half year prison sentence handed down to him was reduced by a third under amnesty. She told IPHR *“The worst thing is that [my husband] may never have to go to prison at all. His prison sentence has already been reduced under amnesty. If another amnesty is applied to him then he won't have to serve any time at all.”*

9. Insufficient service provision

Provision of services and support to victims of domestic violence is a central obligation of states under international provisions. However, in Tajikistan victims have insufficient access to support services which constitutes a major obstacle to them being able to access justice.

Over the last decade, the Ministry of Health and Social Protection opened eight crisis rooms in maternity hospitals in Dushanbe, Qurghonteppa and Kulyab in Khatlon region, Khujand and Guliston in Sughd region, as well as in the regions of Vakhdat and Rasht. These provide counselling and medical assistance to victims of domestic violence and can also serve as shelters for a limited period of time for women and children. Nationwide, there are also some 33 crisis centres and three temporary shelters, which are run by state institutions and non-governmental organizations.¹³⁹

In some regions interagency cooperation and the presence of gender police officers has led to noticeable progress in intervention and protection in domestic violence cases. The town of Qurghonteppa in Khatlon region provides a positive example of a coordinated interagency approach which should be rolled out in other locations:

A positive example of effective interagency intervention in the prevention of and protection from domestic violence is that of Qurghonteppa, Khatlon region. For over ten years, the NGO Ghamkori Crisis Centre has provided services to women from Khatlon region and has established good cooperation with the town and regional hukumat, whose representatives support protection initiatives and attend their public awareness raising events.

A female gender police officer has been stationed in Qurghonteppa police station for the last year, and works with the local authorities, the local office of the Committee for Women's and Family Affairs, and psychologists and representatives from the NGO Gamk-hori Crisis Centre to intervene in cases of domestic violence. The gender police officer is responsible for intervention in family

¹³⁹ Third Periodic Report of Republic of Tajikistan “On compliance with the Convention against Torture and other Cruel, Inhuman or Degrading forms of Treatment or Punishment” http://khit.tj/wp-content/uploads/2015/12/Report_last_sent.pdf 27 December 2017

disputes; issuing protection orders (and following up with discussions with perpetrators and daily home visits if necessary), and testifying in cases which reach court.

The Director of Gamkhori Crisis Centre, Mavjuda Sharipova told IPHR that cooperation with local government agencies, in particular with courts and prosecutors, has improved significantly since the Law "On Prevention of Violence in the Family" was adopted. She described the interagency approach they have adopted to ensure that shelter is a safe and trusted option for victims of domestic violence. A joint interagency commission was established in 2015, headed by the regional CoWFA office. The commission includes representatives of civil society, the police, a doctor, representative from the registration office, the local authorities, and the education board official. After reviewing individual cases, the Commission places victims of domestic violence in the state run shelter which has beds for up to six women and children. They can stay for up to 14 days. To avoid exacerbating the problems for women who stay outside the home for 14 days, the regional CoWFA meets with the husband and extended family to explain that they have placed the victim of domestic violence in a secret safe location. Police officers then meet the perpetrator to clarify that domestic violence is illegal. Gamkhori Crisis Centre holds a family conference with the family and assesses if it is safe for the victim to return home. Gamkhori Crisis Centre provides follow up services to and social work visits depending on the family circumstances.

However, given the scale of domestic violence many victims are not able to get access to this kind of protection or support.

9.1 Insufficient state investment in support and protection services

In official statements the government reports on the work of support services for survivors of violence such as the State Women's Center established by Dushanbe local authority, as well as the network of Resource and Consultative Centers run under CoWFA, rooms for victims of domestic violence in health care facilities and similar services run by women's NGOs throughout the country. However, with the exception of the State Women's Centre, selected Resource and Consultative Centres (for instance, in Sughd region) and the rooms in maternity hospitals, most of the support services are financed by international donors, which severely undermines their sustainability.

The Ministry of Finance has not as yet allocated sufficient funds to address domestic violence from the central budget; state support currently comes from local authorities' budgets and sometimes takes the form of rent-free provision of rooms to crisis centres.

It is worth noting that apart from the State's obligation to protect women from human rights abuses, investing in the prevention of domestic violence makes financial sense because studies have shown that it is far cheaper than provid-

ing costly protective services to victims of domestic violence at later stages.¹⁴⁰ However, in Tajikistan the public funding of activities addressing domestic violence has been inadequate; the State has not prioritized funding of sufficient protection and prevention services leaving international donors to fund the majority of such initiatives.¹⁴¹

Despite international funding, service provision remains woefully inadequate given the scale of the problem. In this context, representatives of women's NGOs working on domestic violence told IPHR that they feared they would not be able to continue providing essential services in 2017 and beyond due to donors deciding to phase out funding of crisis centres and related services. For example, a representative of the NGO Khamroz in Sarband, Khatlon region, told IPHR that although the local authorities had provided the NGO with an office, they had not been able to cover the salary of one social worker from their budget.

In addition to the lack of funding, support services also lack adequate human resources to help women to overcome domestic violence, including trained psychologists, and support with rehabilitation programmes where women are provided training for income generation activities. For example, the Dushanbe-based Crisis Centre Bovari v Fardo (Women in the Future) NGO provides free psychological support, legal advice and help with legal representation in court cases. In 2012-2013 the centre recorded 3,268 clients, 3,054 of whom were women and 1, 714 of whom had turned to the centre in connection with domestic violence.¹⁴² One psychologist working at a Crisis Centre for women told IPHR that there is a serious lack of trained psychologists and of crisis centres to cope with demand. In more remote regions, very few support services are available for women, and those that are, are often fee-paying. As mentioned above, travel from remote villages to towns where services are available is difficult and prohibitively expensive for many victims of domestic violence.

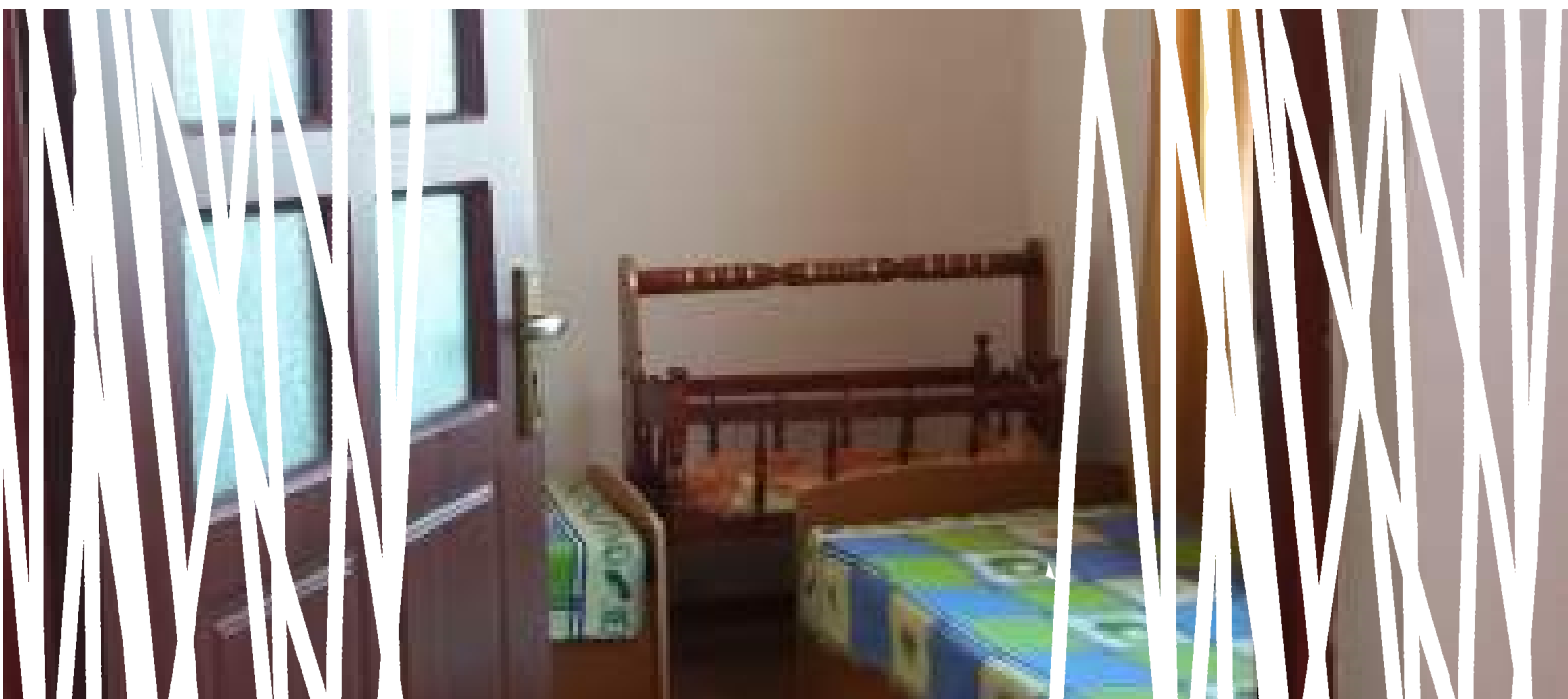
9.2 Nowhere to turn: inadequate temporary shelters and lack of emergency housing

At present, most of shelters are run by NGOs, and the Law on Prevention of Domestic Violence in the Family does not stipulate that the State should fund shelters for victims of domestic violence. Yet, the number of crisis centres and shelters currently available is inadequate given the prevalence of domestic violence in Tajikistan, and the lack of temporary housing and shelters means that women suffering from violence have limited protection options and results in some of them being forced to return home to live with their abusers. The Law on Prevention of Domestic Violence

¹⁴⁰ International Centre for Research on Women Estimating the Costs and Impacts of Intimate Partner Violence in Developing Countries, <https://www.icrw.org/wp-content/uploads/2016/10/Estimating-the-Costs-and-Impacts-of-Intimate-Partner-Violence-in-Developing-Countries-A-Methodological-Resource-Guide.pdf>

¹⁴¹ International donors make significant contributions to Tajikistan's overall health budget - for example, the European Union covered 25 percent of the national health budget in 2016

¹⁴² Third Periodic Report of Republic of Tajikistan "On compliance with the Convention against Torture and other Cruel, Inhuman or Degrading forms of Treatment or Punishment" http://khit.tj/wp-content/uploads/2015/12/Report_last_sent.pdf 27 December 2017



Khujand shelter © IPHR

in the Family should be amended to stipulate that it is the State's obligation to provide shelters, and the State should prioritize the provision of shelters as essential services.

For example, the NGO Najoti Kudakon (Save the Children) in Kulyab runs one shelter in the Kulyab region which has a population of 1 120 000 (52 percent are women).¹⁴³ This shelter has six beds available, three for mothers and three for children. Another room is available in the maternity hospital of Kulyab but these services fall far short of meeting demand. In the first six months of 2016 Najoti Kudakon identified 76 women who were in need of temporary shelter, but were able to help only 23 of them.

The example below occurred in December 2016 and illustrates a typical case where shelter is urgently needed:

Sad barg¹⁴⁴ is 25 years old and works as a teacher in a middle school. Her husband was in the habit of using her bank card to withdraw her salary. One day in December 2016, she refused to let him take the card as she had to buy medicine. In retaliation, her husband beat her severely all over the back with an iron pole. Sad barg came to the women's shelter in a terrible physical and emotional state, suffering from psychological trauma. The staff of the centre helped her to undergo a medical examination but she does not feel ready to file a complaint against her husband as she is afraid that her husband's relatives will punish her if she does. A psychologist is currently working with Sad barg and helping her to consider her options.

Even if a place in a shelter is available, victims of domestic violence are usually only allowed to stay for up to 14 days.

¹⁴³ Population statistics for the Republic of Tajikistan for 1 January 2016 <http://www.stat.tj/ru/>

¹⁴⁴ Name and details of place withheld upon request for security reasons

Often this is not long enough for the woman to find solutions to her predicament, but no longer term social housing is available and women are therefore often faced with the choice of returning to live with their own parents (provided they agree) or returning to live with their abusers. For victims of domestic violence who are economically dependent on their abuser, reconciliation is sometimes the only option.

This protection gap could be addressed by requiring husbands who have been convicted of domestic violence to make rental payments for their wives to live in security elsewhere. This would address the current problem where divorced women turn to judges to obtain judicial orders allowing them to live in the former-matrimonial home (vsele-niya), leading to situations where ex-wives live with ex-husbands and their new wives and families, situations which are inevitably fraught with tension and which in themselves are often cited as causes for domestic violence.

For example, Najiba is a 35-year-old woman with one son whose husband had thrown her out of the home after her gynaecological problems meant she could no longer bear children. She was forced to return to live with her parents, and her ex-husband remarried. Najiba recently obtained a court order allowing her to live in the house that she built together with her ex-husband. "I am afraid but I have nowhere else to live. I saw my mother-in-law at the court hearing and she told me not to dare to come back... I am afraid of my mother-in-law – she could beat me and insult me or even put a curse on me. But I will stay there - if need be lawyers will help and the police will help and I will live there quietly". Interview with IPHR, November 2016, Dushanbe.

9.3 Lack of due attention to child welfare in situations of domestic violence

"My children have been damaged by what they have seen. They are nervous, anxious and they fight and cry a lot. I tell them not to be violent, but I don't know what will become of them later."

Mavjuda, victim of domestic violence, Khujand. November 2016.

UN guidelines advise that *"Protection from domestic violence [...] should be a principle not only in legislation on violence against women but also in all relevant areas of family and divorce law."*¹⁴⁵

However, NGO representatives and lawyers who IPHR spoke to were unanimous that insufficient protection, both in law and practice, is available for children who are witnesses to, or victims of domestic violence, and that children's needs are rarely taken into account. Mavjuda told IPHR how her children suffered violence from her husband: *"He beat them too. He used to punch them and bash them on the head with a spoon."* Mavjuda reported that once the authorities began investigating the case, police officers and representatives of the prosecutor's office questioned her

¹⁴⁵ UN Handbook on Legislation on Violence against Women, 2010 <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

children. Although the children confirmed they had also been subjected to violence, they were not included in the criminal case as victims.

Violence against children in Tajikistan is reportedly often overlooked or considered as normal and as a private family matter. The director of an NGO which works for women's and children's rights, told IPHR *"Unfortunately in Tajikistan there is no effective system of protection for children from domestic violence in the family. There is no system that identifies what is in the best interests of the child. Child victims of domestic violence are often not protected as the authorities consider such cases a 'family matter'. Parents themselves often believe that violence is an acceptable means by which to educate a child."* It is important to increase public awareness around this issue, as *"many government officials working in the field of child protection are themselves parents who believe beating, insulting or humiliating a child is a normal part of upbringing and that it will do the child some good."*¹⁴⁶ This issue will not be examined in detail as it goes beyond the scope of this report but for further information see the *"Alternative Report of the NGOs on the Implementation of the Convention on the Rights of the Child by the Republic of Tajikistan"*.¹⁴⁷

10. Changing perceptions of domestic violence

"Women are 52 percent of the population, they have to realise that this 52 percent can achieve a lot if they defend their rights". Director of a Women's Crisis Centre.¹⁴⁸

CEDAW states in Article 5 that States should take measures to *"modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."*¹⁴⁹

The Law on Prevention of Violence in the Family emphasizes the need for public education on domestic violence. Numerous initiatives have been undertaken across Tajikistan with the aim of changing perceptions on gender issues, including domestic violence. The Tajikistani authorities report that there are 110 state-run information and counselling centres which provide legal and psychological assistance on a range of legal issues including domestic violence. These centres are run under CoWFA and financed by local authority budgets. Over the past decade, CoWFA has organized numerous media and television campaigns to highlight the illegality of domestic violence, and organized outreach campaigns and community meetings to discuss family values, gender equality, access to education for girls, prevention of underage marriages and domestic violence.¹⁵⁰

¹⁴⁶ Interview January 2017, name withheld on request for security reasons

¹⁴⁷ *Alternative Report of the NGOs on the Implementation of the Convention on the Rights of the Child by the Republic of Tajikistan* <http://notorture.tj/en/reports/alternative-report-ngos-implementation-convention-rights-child-republic-tajikistan>

¹⁴⁸ Name withheld on request for security reasons

¹⁴⁹ UN CEDAW Article 5.a <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁵⁰ Tajikistan follow up information to CEDAW Committee October 2015 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/

The government also reports that it has launched national initiatives to raise awareness about gender equality, challenge existing gender roles and frame domestic violence as unacceptable¹⁵¹ and that training on the prevention of domestic violence has been provided for police officers in training academies since 2010, as well as for judges, prosecutors, police officials, medical workers, students, and teachers.¹⁵² Since 2010 a specialized 20-hour training module has been integrated into the curriculum of the MIA Academy to sensitize police recruits to issues of domestic violence.

However on the whole these activities have been sporadic and short term. They have typically been implemented with funding from international donors or organizations, and there is no comprehensive, ongoing state-funded awareness raising campaign.

Civil society has been a key partner in implementing awareness raising initiatives: NGOs such as Bovari i Fardo¹⁵³, Ghamkori Crisis Centre, and others continue to carry out advocacy campaigns raising awareness on women's rights and domestic violence. For example, in December 2016, during the "16 days against gender violence" campaign some 1,700 signatures were gathered protesting against domestic violence in Kulyab by the NGO Najoti-Kudakon and over 700 leaflets were distributed to men by members of the traffic police.

It is unfortunate then, that state officials sometimes undermine the impact of these positive developments by ambivalent messages on gender roles and domestic violence, or simple denial.¹⁵⁴ High-ranking state officials have so far failed to consistently and publicly communicate the clear and unequivocal message of zero tolerance of domestic violence and to counter widely-held perceptions that women should tolerate violence in order to preserve the family and the marriage.¹⁵⁵

In official statements government representatives have reinforced societal gender stereotypes. For example, on 6 March 2015 in speech ahead of Mother's Day, President Emomali Rahmon raised concerns about the "disintegration of young families", blaming problems on "girls [who] marry without family training and cannot withstand the difficulties of life" [...] "Our nation has a beautiful, simple and true saying "Like mother, like daughter." That is, the daughter learns from her mother's essential life values, including the right behavior, good housekeeping, the ability to cook and other vital skills [...] only a mother teaches her daughter how to respect her husband as head and provider of the family".¹⁵⁶ It is notable that

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¹⁵¹ See : Government Action Plan for domestic violence, Third Periodic report of Republic of Tajikistan to the CAT http://khit.tj/wp-content/uploads/2015/12/Report_last_sent.pdf 27 December 2017

¹⁵² Tajikistan follow up information to CEDAW Committee October 2015; Third Periodic report of Republic of Tajikistan to the CAT http://khit.tj/wp-content/uploads/2015/12/Report_last_sent.pdf 27 December 2017

¹⁵³ A state run crisis centre based in Dushanbe which has been registered as an NGO since 2013

¹⁵⁴ For example, a representative of the prosecutor's office told a civil society meeting in January 2017 that they had not had one case of an underage marriage registered in the Gorno-Badakhshan Autonomous Republic.

¹⁵⁵ Z-Analytics (2016), Знания, отношения и практика о восприятии гендерных ролей и гендерного насилия в 6 районах Таджикистана, с.19-20 (Z-Analytics (2016), Knowledge, Attitude and Practice about Perception of Gender Roles and Gender-based Violence in 6 districts of Tajikistan, pp.19-20, unpublished report).

¹⁵⁶ Speech by the President of Tajikistan on Mother's Day 6 March 2015 / *Выступление Президента РТ по случаю Дня*

the role of men within the family and their responsibility for family well-being is not emphasized or brought to public attention in official addresses.

On this point, when reviewing Tajikistan's combined fourth and fifth periodic report to CEDAW in 2013 the Committee expressed concerns with *"the persistence of adverse cultural norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society."* The Committee further stressed that this situation results in the persistence of violence against women, the practice of child marriage, de-facto polygamy and women's disadvantaged and unequal status in many areas.¹⁵⁷

It is important that the message communicated in awareness-raising activities focuses centrally on the protection of victims of domestic violence and the need to identify and bring perpetrators to justice. A message of zero-tolerance of domestic violence should be central to such awareness campaigns which should not make excuses for domestic violence or resort to stereotypes blaming particular sections of the population.

11. Conclusion and recommendations

Experience from across the globe demonstrates that state intervention can successfully address both the causes and consequences of domestic violence against women. However, the government of Tajikistan has failed to establish an adequate, comprehensive response system to domestic violence against women based on a clear legal framework. This situation has resulted in impunity for perpetrators of domestic violence and the ongoing violation of women's rights on a daily basis across the country.

Recommendations to the Tajikistani authorities

Publicly and unequivocally condemn domestic violence:

- Publicly and officially condemn domestic violence, in particular against women and make it clear that the state supports a zero-tolerance approach to domestic violence;
- Ensure that statistics and data on domestic violence are collated centrally, and are made publicly available, disaggregated by sex and age and details of the perpetrator-victim relationship;
- Continue to expand programmes raising public awareness on combating domestic violence including by raising public awareness about the Law on the Prevention of Violence in the Family and its provisions.

мамepу, 06 маpма 2015 з., <http://www.president.tj/ru/node/8400>

¹⁵⁷ Concluding observations on the combined fourth and fifth periodic report of Tajikistan, 2013, CEDAW/C/TJK/CO/4-5 <http://www.refworld.org/docid/52f382c5f1.html>

Amend legislation to improve protection from domestic violence:

- Include marital rape as a crime in the Criminal Code punishable by appropriately severe penalties;
- Include a definition of the *“family”* into the *“Family Code of the Republic of Tajikistan”* and ensure that these definitions include non-registered, early and polygamous marriages;
- Strengthen legislation on gender-based violence against women (in addition to the Law on the Prevention of Violence in the Family)

Amend the Law on Prevention of Violence in the Family to:

- a) include a specific article into the Criminal Code criminalizing all forms of domestic violence and expressly refers to psychological violence. Ensure that it reflects the specific nature of the power balance in such cases;
- b) ensure it gives appropriate attention to the predominant gender-based nature of domestic violence as a violation of women’s human rights;
- c) include a definition of *“marriage”* and *“family”* and specify that domestic violence can be carried out *“by one or several members of the family”*;
- d) include specific references into relevant legislation (including the Law on Prevention of Violence in the Family) regarding the welfare of children who are victims or witnesses of domestic violence and provide a detailed mechanism for their social protection and support;
- e) amend Article 21 to allow prosecutors to increase the period of validity of restraining orders for up to six months if necessary and remove the reference to the perpetrator needing to return home in a timely manner;
- f) include a specific reference to state-funded temporary shelters;
- g) clarify the source of state funding for programmes to prevent domestic violence and protect women from it.

Improve access to justice for victims of domestic violence:

- Ensure that victims of domestic violence are provided with free legal aid, both at the initial stages of investigations and in court proceedings;
- Ensure that all complaints of domestic violence are investigated promptly, impartially and thoroughly;

- Prosecute all cases of domestic violence ex-officio and amend legislation to provide that the victim of domestic violence is not responsible for instigating criminal proceedings;
- Change the requirements for proof in cases of domestic violence, allow social workers and psychologist to give evidence about the victim's psychological health; allow, with the victim's written consent, medical examinations carried out by all doctors to be submitted to the court as evidence;
- Ensure that social workers/ psychologists participate in assessments and home visits in a multi-agency case review, the conclusions of which will inform the court;
- Consider establishing family courts to review cases of domestic violence with female judges trained on issues of domestic violence;
- Ensure that in court hearings the victim of domestic violence is provided with a screen or arrangement whereby she can give evidence in private instead of in the presence of her abuser if necessary;
- Ensure victims of domestic violence do not face pressure to reconcile with their abuser;
- Ensure that legislation provides that sentences should be commensurate with the gravity of the crimes of violence committed;
- Ensure that neither those who are under investigation for domestic violence nor convicted perpetrators of domestic violence benefit from amnesties that allow them to avoid punishment;
- Provide that sentences in domestic violence cases may order the payment of compensation and restitution from the perpetrator to the survivor.
- Ensure that the Supreme Court adopts a Resolution of the Plenum outlining judicial standards for reviewing domestic violence cases.

Strengthen and professionalize service provision

- Ensure that victims of domestic violence are provided with free access to legal and psychological counselling, and redress including compensation and rehabilitation, particularly in rural areas;
- Ensure that confidentiality is respected by all service providers including government officials, judges, law enforcement officers, counsellors, teachers and others;
- Establish multi-agency intervention teams (following the example of the model implemented in Qurghontep-

pa) where teams including police officers, lawyers, social workers/psychologists as well as representatives of the local CoWFA could decide on the best intervention and support strategies for individual cases of domestic violence;

- Increase the number of specialized police inspectors and establish mechanisms whereby these officers would provide support and advice to other police officers; prioritize the recruitment of female police officers;
- Ensure that training on issues of domestic violence is routinely provided to all law enforcement officials, judges, prosecutors and other public servants;
- Provide secure state funding (3-5 years) for existing crisis centres providing legal and psychological counselling and establish more such centres, particularly in rural areas;

Medical services, Counselling services, crisis centres

- Draft and adopt regulations on coordinated response to domestic violence and a referral system for victims of domestic violence.
- Develop and implement a mechanism of quality standards for the provision of services to victims of domestic violence (which would include both state and non-state service providers, such as crisis centres and shelters counsellors, medical personnel, police officers, etc.)
- Expand and invest in programmes allowing access to health services (including sexual and reproductive health services and education);
- Ensure that all medical consultations in cases of domestic violence are provided free of charge;
- Reimburse transport costs for the victim of domestic violence who has to travel for a medical expertise or to seek legal advice;
- Ensure that the Ministry of Health expands work in the field of family planning including the provision of sex education to both men and women;
- Support the establishment of active womens' support groups from within the community;

Shelter and social housing

- Amend existing legislation to provide that, in cases of domestic violence courts can rule that the victim of domestic violence can live in rented accommodation and that the rent should be covered by the perpetrator;

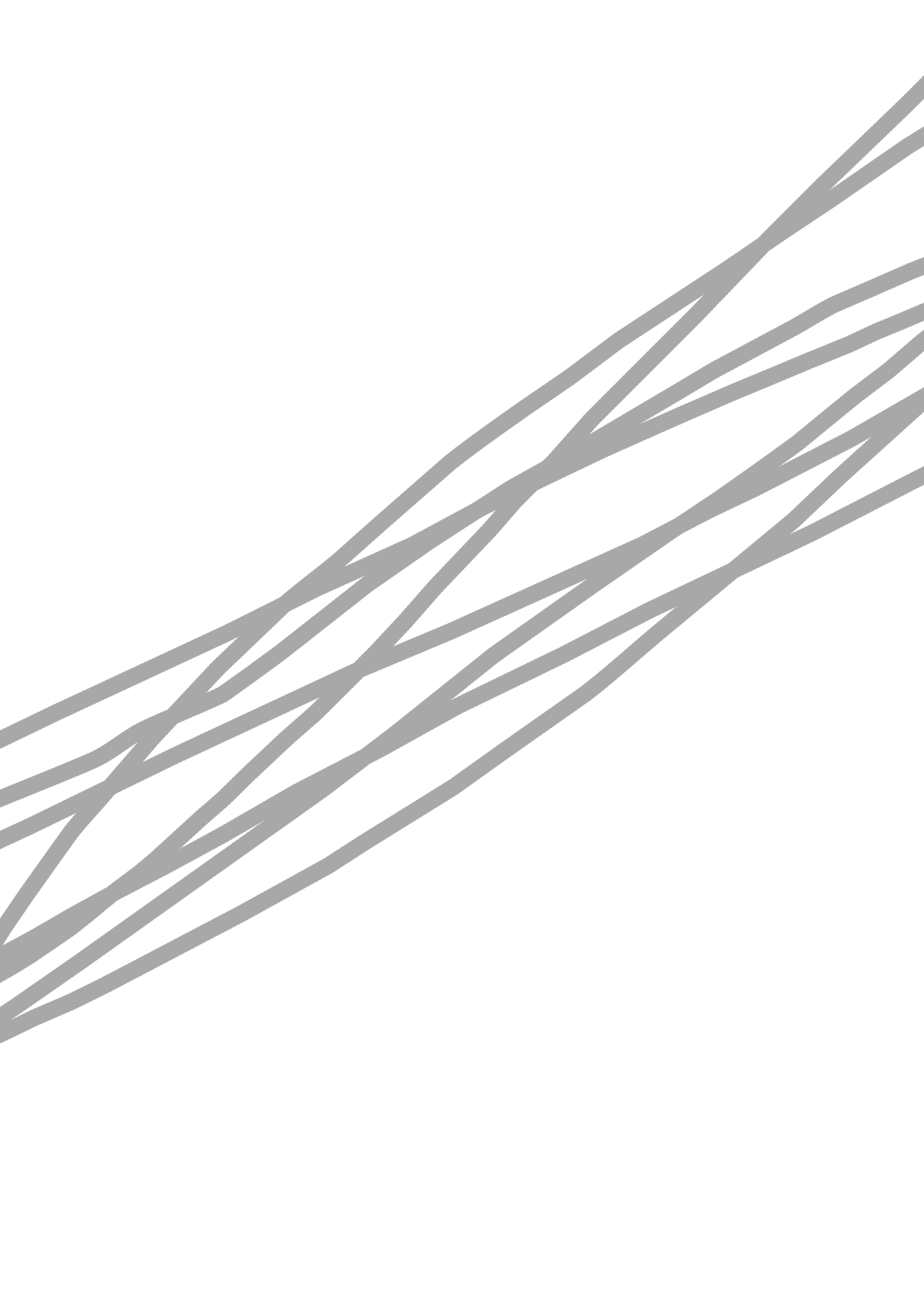
- Provide state-funded social housing to protect particularly vulnerable people including people with the status of victims of domestic violence for the period of six months pending the identification of long-term solutions;
- Increase the number of state-funded shelters available for victims of domestic violence, especially in rural areas, and where possible ensure that such shelters are run in cooperation with non-governmental organizations;
- Ensure that funding is provided for state and NGO run crisis centres where victims of domestic violence can receive legal and psychological counselling as well as referrals to necessary services;

Empower women and girls

- Expand public awareness raising programmes to counter patriarchal and religious stereotypes about women and girls and establish platforms for exchanges of views such as through the media, schools, civil society, community leaders etc and monitor their effectiveness;
- Amend existing legislation providing that a perpetrator of domestic violence should pay alimony to the victim for a period of time allowing her to retrain and thus gain financial independence;
- establish mechanisms which would ensure that young women have equal access to education to decrease their vulnerability; expand their access to better quality comprehensive social services such as healthcare, education, information services and professional training.

Recommendations to the international community

- Urge the Tajikistani authorities to criminalize all forms of domestic violence as a priority;
- Plan and implement a unified and synergetic approach to funding of the civil society programmes and projects combating domestic violence in Tajikistan;
- Ensure that domestic violence is included centrally in all internationally-supported programmes and projects aimed at supporting police reform;
- Support the use of multi-agency teams including social workers and/or psychologists as well as gender police officers for interventions in domestic violence cases with gender police officers;





Newly married couple, Khujand © IPHR

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