



## **EASTERN EUROPE AND CENTRAL ASIA:**

PROTECT WOMEN FROM VIOLENCE IN CRISES AND BEYOND

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# INTRODUCTION

The countries of the Eastern Europe and Central Asia (EECA), specifically Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan continue to be profoundly affected by the convergent crisis of the Covid-19 pandemic and war.

The Covid-19 pandemic has caused an unprecedented public health crisis in the EECA region. Its exigencies and states' responses to it have had distinct consequences for women,<sup>1</sup> exposing them to increased levels of insecurity and violence, including domestic violence.<sup>2</sup> It has exacerbated an already existing high prevalence of domestic violence, underpinned by gender and intersectional inequalities present throughout the region.

At the time of writing, the EECA region is afflicted by another unprecedented crisis causing a magnitude of human suffering: Russia is waging a war of aggression in Ukraine, devastating the lives of millions including women and girls. Gender-based violence, including sexual violence and domestic violence is on the rise, and access to reproductive rights is jeopardized, as infrastructure is destroyed and millions of women are forced flee their homes.<sup>3</sup> Both the pandemic and the war have made it more difficult for those experiencing violence to report abuse, flee unsafe situations, access shelters and critical support services, obtain protection orders, and initiate effective legal remedies.

Authorities in the region must urgently improve the protection of women and help survivors of violence who continue to struggle to access adequate support. EECA countries must ensure that a rights-respecting legal framework is in place, effectively implemented to provide adequate protection and assistance to the survivors of violence, and also ensure full respect of their sexual and reproductive rights.

Rising levels of violence against women in the war in Ukraine also call for improved measures to assist the growing numbers of women who are survivors of violence both in Ukraine and in the region. EECA authorities should strengthen legislative and policy measures to ensure that survivors are able to seek justice both at home and abroad and are given timely and continuous access to reproductive health services.

It is only by placing women's rights and protection at the heart of every crisis response that national governments in EECA will be able to effectively move forward and beyond.

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1 The term "women" here and throughout this report should be taken to include girls under the age of 18 in line with the Istanbul Convention. Council of Europe (COE) Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Article 3 (f.) <https://rm.coe.int/168008482e>

2 United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) Measuring the shadow pandemic: Violence against women during covid-19. 24 Nov 2021 <https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>

3 Europe: Call to Action. The sexual and reproductive health and rights of women and girls and marginalized populations affected by the conflict in Ukraine. March 17, 2022. (EUR 01/5363/2022): <https://www.amnesty.org/en/wp-content/uploads/2022/03/EUR0153632022ENGLISH.pdf>

## **A NOTE ON METHODOLOGY**

Focusing on the rights of women and girls to live free of gender-based violence and to enjoy their sexual and reproductive rights, this paper sets out specific recommendations for actions that states should take to ensure access to justice, protection, and support services for survivors of domestic violence. Those recommendations, while informed by lessons learned from Covid 19 pandemic, are designed to help the governments to move forward addressing minimum requirements of protection of women in situations of crisis including the current Russian war of aggression in Ukraine.

The paper touches on some of the main challenges faced by women survivors of domestic violence in the EECA region, exacerbated by the Covid-19 pandemic. It draws on reports from international organizations, local and national non-governmental organizations, media investigations, and ongoing conversations with partner organizations and activists across the region. This research was conducted prior to Russia's full-scale invasion of Ukraine on 24 February 2022.

# 1. DOMESTIC VIOLENCE- AN EASTERN EUROPE AND CENTRAL ASIA (EECA) PERSPECTIVE

Domestic violence can be defined as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit...” including between former or current spouses or partners and irrespective of whether they share the same residence.<sup>4</sup> Domestic violence is one of the most common forms of gender-based violence against women.<sup>5</sup> In many EECA societies, domestic violence is often normalized and tolerated due to harmful gender stereotypes and discriminatory social attitudes towards women under deep rooted cultural and traditional norms.

Attitudes toward domestic violence also make it more difficult to assess the full scope of the problem. In most EECA countries domestic violence is widely viewed as a private family matter; an attitude that contributes to its “normalization” and under-reporting. As a result, accurate statistics are difficult to collect and there is a scarcity of segregated data on all forms of violence experienced by women in the region. While most countries have legislation related to domestic violence and government mandates in place to collect data, there is significant variation in how they define domestic violence and, subsequently, the type of data they collect.<sup>6</sup> Even with limited data, a disturbing picture of the scale of the violence has emerged. One global review of the available data conducted by the World Health Organization estimates that 20 per cent of women in Eastern Europe and 18 per cent of women in Central Asia have in their lifetime experienced physical and/or sexual violence by an intimate partner, or sexual violence by a non-partner.<sup>7</sup>

Even before the pandemic, states in the region failed to do all that was necessary to prevent domestic violence and even thwarted efforts to establish adequate protections. While most EECA countries have made progress in adopting and reforming relevant laws and developing services for domestic violence survivors, across the region effective protection and support mechanisms are often insufficient or lacking, and implementation of

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4 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), Article 3.(b). <https://rm.coe.int/168008482e>

5 “This violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty”. Committee on the Elimination of Discrimination against Women (CEDAW Committee) General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. U.N. Doc. CEDAW/C/GC/35 (2017):

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/CEDAW\\_C\\_GC\\_35\\_8267\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_35_8267_E.pdf)

6 United Nations Population Fund (UNFPA) Regional Office for Eastern Europe and Central Asia. *Combating violence against women and girls in Eastern Europe and Central Asia*, UNFPA Issue Brief, No.6.Istanbul. Page.9 2015. [eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief\\_web.pdf](http://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief_web.pdf)

7 World Health Organization (WHO) *Violence Against Women Prevalence Estimates*, Executive summary. 2018: <https://www.who.int/publications/i/item/9789240026681>

existing laws and policies remains inadequate.<sup>8</sup> In all countries of the region, the urgency and severity of the problem of domestic violence far outstrips the efforts and resources provided by states to ensure effective prevention, intervention, prosecution, and protection.<sup>9</sup> Even where progressive laws are in place, cross-cutting barriers such as discrimination and gender stereotypes undermine implementation of the law and related efforts to effectively address domestic violence.

In a disturbing trend, states in the region are failing to take an unequivocal stance against violence against women and fully protect women's rights, under the guise of protecting "traditional values". Many governments in EECA have forged populist campaigns by undermining or even disparaging women's rights and gender equality. National governments have pointedly invoked traditions and "family values" in their resistance to adopt domestic violence legislation, and purposefully disregarded a problem affecting millions of women in their countries.

Certain stark moments in the region stand out as examples of the privileging of purported "traditional values" over women's human rights. In Russia, after the parliament took the dramatic step of decriminalizing some forms of domestic violence in 2017<sup>10</sup> it followed this in 2020 by amending the Constitution to include "protection of the family" and "the institution of marriage as a union of a man and a woman".<sup>11</sup> In Belarus, a draft law on domestic violence was rejected in October 2018 by President Alyaksandr Lukashenka, who stated that Belarus, "will proceed exclusively from our own interests, our Belarusian, Slavic traditions, and our life experience."<sup>12</sup> Also in 2019, President Ilham Aliyev declared that Azerbaijan was "a state based on traditional values" which would not integrate with a society that "does not distinguish between men and women."<sup>13</sup> To date Azerbaijan has not enacted comprehensive anti-discrimination legislation that would include sexual orientation or gender identity as grounds for discrimination. Throughout the region, governments have employed a similar narrative framing their national "traditional values" and "traditional family" as needing protection against the "harmful" influences of the globalised world such as for example human rights and women's rights protections. Thus, the discourse of "traditional values", which are patriarchal and historically have permitted and even encouraged women's oppression, is casting the laws and policies for protection of domestic violence of women as antithetical to national identity.

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8 UNFPA. Evaluation of UNFPA support to the prevention, response to and elimination of gender-based violence, and harmful practices 2012-2017. Eastern Europe and Central Asia Regional Case Study. November 2017. P.6:

<https://www.alnap.org/system/files/content/resource/files/main/GBV%20Evaluation%20EECA%20Regional%20Case%20Study.pdf>

9 Amnesty International interviews with the women HRDs from South Caucasus and Central Asia, see as well:

United Nations Population Fund (UNFPA) Regional Office for Eastern Europe and Central Asia. Combatting violence against women and girls in Eastern Europe and Central Asia, UNFPA Issue Brief, No.6. Istanbul. 2015. Page.8: [eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief\\_web.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief_web.pdf)

10 Amnesty International. "Russia: Domestic violence law puts women at greater risk." February 8, 2017.

<https://www.amnesty.org/en/latest/news/2017/02/russia-domestic-violence-law-puts-women-at-greater-risk/>

11 Law of the Russian Federation on Amendments to the Constitution of the Russian Federation. 14.03.2020. Article 72 g1) <https://rm.coe.int/constitution-of-the-russian-federation-en/1680a1a237>

12 Yuras Karmanau. "Belarus president: Belting a 'useful' way to punish children". Associated Press. October 6, 2018.

<https://apnews.com/article/7d124a9bf9f748c6a1decc3978aa83c3>

13 JamNews. "Azerbaijan is a traditional country, will not integrate into Europe" – President Aliyev. 27. November. 2019. <https://jam-news.net/azerbaijan-is-a-traditional-country-will-not-integrate-into-europe-president-aliyev/>

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# 2. STATE OBLIGATIONS UNDER INTERNATIONAL HUMAN RIGHTS LAW

The global consensus on the impermissibility of violence against women and the need to institute clear and effective policies for prevention and protection against gender-based violence is now well established. The states of the region themselves have committed to uphold these international standards. As state parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international and regional human rights treaties, all 12 countries in Eastern Europe and Central Asia have legal obligations “to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons,”<sup>14</sup> including acts of domestic violence.

EECA national governments have the obligation to enact, implement and monitor legislation to prevent and combat violence against women. The CEDAW Committee has urged state parties to ensure *inter alia* that violence against women is prosecuted and punished and that women survivors of violence have immediate means of redress and protection.<sup>15</sup> Failure to enact the necessary legal framework to address domestic violence can constitute violation of a range of international obligations taken on by the states. In the case of *AT v. Hungary*, the CEDAW Committee found that the country’s lack of specific legislation to combat domestic violence constituted “a violation of ... human rights and fundamental freedoms, particularly [the] right to security of person”.<sup>16</sup>

While the Covid-19 pandemic has presented real challenges, it cannot be used as a pretext for abrogation of government responsibility to protect women’s rights. A state’s obligation to investigate and prosecute domestic violence and protect survivors is binding both during lockdowns and after restrictions are lifted.<sup>17</sup> This obligation is not subject to state discretion or availability of resources, and delay in meeting this obligation cannot be justified “on any grounds, including political, social, cultural, religious, recourse or other considerations or constraints within the state.”<sup>18</sup> In order to provide adequate access to protection, justice and remedy, states need to put in place a comprehensive legal framework and allocate the resources needed for

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14 UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW Convention) Article 4. United Nations, Treaty Series, vol. 1249. December 1979, Article

4. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ViolenceAgainstWomen.aspx>

15 UN Women, Handbook for legislation on violence against women. 2012 p4. [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/handbook-for-legislation-on-violence-against-women/UNW\\_Legislation-Handbook-pdf.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/handbook-for-legislation-on-violence-against-women/UNW_Legislation-Handbook-pdf.pdf)

16 CEDAW. *A.T. v Hungary* (Communication No. 2/2003). paragraph 9.(3): 26 January 2005.

<https://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/CEDAW%20Decision%20on%20AT%20vs%20Hungary%20English.pdf>

17 “Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all obligations under the Convention. Article 2 provides that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. That is an obligation of an immediate nature; delays cannot be justified on any grounds, including economic, cultural or religious grounds.” CEDAW. General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19. CEDAW/C/GC/35. 26 July 2017. Para 21. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/231/54/PDF/N1723154.pdf?OpenElement>

18 CEDAW. General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28, 16 December 2010, para 29.

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effective implementation of the law and related policies, including training judges and law enforcement. As discussed below, currently in the EECA region, while the quality of protection provided by national legislation varies, there is an almost uniform absence of competent and impartial implementation of the law.

A recent regional treaty – the groundbreaking Council of Europe (CoE) Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), provides a critical tool for establishing a functional, effective and comprehensive legal framework on domestic violence and guidance for its implementation. The Istanbul Convention integrates and further advances the existing international standards on violence against women and domestic violence set up in CEDAW and other instruments. It is the first legally binding instrument that requires state parties to enact laws that define and criminalize all forms of domestic violence, including economic and psychological abuse. It sets out detailed, specific obligations for member states on prevention, protection, prosecution, and integrated policies to address domestic violence.<sup>19</sup> Among other things, ratifying states take on the obligation to reform their laws, allocate resources to combat violence against women and to establish services such as hotlines, shelters, medical services, counselling and legal aid.

The Istanbul Convention is open to ratification by CoE members and available for accession by states outside the CoE region<sup>20</sup>. State parties from the Eastern Europe and Central Asia region include Georgia and Moldova.<sup>21</sup> Ukraine's Parliament adopted the ratification bill on 21 June and the deposit of the ratification is expected soon. Armenia has signed but not yet ratified it.<sup>22</sup> Azerbaijan is the only Council of Europe member state that did sign the Convention. Prior to its expulsion from the CoE in March 2022 following its invasion of Ukraine, Russia also had not signed the Istanbul Convention.

The Convention is also open for accession by non-member States who did not participate in its drafting, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe. In 2020, the CoE Committee of Ministers invited Kazakhstan to accede to the Convention.<sup>23</sup> This invitation is valid for 5 years. Likewise, other non CoE countries in Eastern Europe and Central Asia also have the opportunity to accede to the Convention upon an invitation by the Committee of Ministers, following their expression of interest.<sup>24</sup>

Ratifying and implementing the Istanbul Convention are important symbolic and practical steps that governments can take to demonstrate their genuine commitment to women's and girls' rights to live free from violence. Taking these steps would ensure that national laws, policies and services are brought in line with international law and standards, best practices and improved accountability.

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19 Istanbul Convention. Articles 33-40.

20 COE. Chart of signatures and ratifications of Treaty 210. Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) Status as of 20/03/2022. <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=210>

21 Georgia ratified the Istanbul Convention in 2017, but reserved the right not to apply the provisions laid down in Article 30, paragraph 2, of the Convention which covers adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health" <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=210&codeNature=2&codePays=GEO>

22 Ukraine signed the Convention in 2011, Moldova in 2017 and Armenia in 2018. <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=210>

23 COE. Newsroom. Kazakhstan invited to accede to the Istanbul Convention. 29/04/2020.

[https://www.coe.int/en/web/istanbul-convention/-/kazakhstan-and-tunisia-invited-to-accede-to-the-istanbul-convention#:~:text=On%2022%20April%202020%2C%20the,Domestic%20Violence%20\(Istanbul%20Convention\).](https://www.coe.int/en/web/istanbul-convention/-/kazakhstan-and-tunisia-invited-to-accede-to-the-istanbul-convention#:~:text=On%2022%20April%202020%2C%20the,Domestic%20Violence%20(Istanbul%20Convention).)

24 COE. Details of Treaty No.210 Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>

# 3. ACCESS TO LEGAL PROTECTION UNDER NATIONAL LAWS

Despite the sound standards for response and prevention of domestic violence set out in international law, EECA states have largely failed to integrate these standards into their national legislation and policies. Throughout the region, domestic violence survivors are often left without adequate protection, support and remedy due to the lack of a comprehensive domestic legal framework. Other impediments to the realization of survivors' rights include barriers to accessing justice such as bias by police, prosecutors and judiciary, lack of political will among government officials, social pressure, and economic constraints.<sup>25</sup>

In many EECA countries, cases of violence against women continue to be dealt with through laws, policies and practices that place the main emphasis on the value of the family as a social unit, rather than on ensuring the wellbeing, rights and safety of women. Often achieving "reconciliation" and preservation of "family unity" is the priority for immediate and extended family members, social services providers, and members of the authorities, including police and judiciary. Mediation aimed at reconciling survivors with their abusers is provided for and even promoted as an alternative to prosecution of offenders and the effective protection of survivors.

Uzbekistan's state policy for example, provides for the "protection of rights and legitimate interests of women" almost exclusively through measures involving "strengthening of the institute of the family, improvement of spiritual-ethical atmosphere in the families and reduction in the number of divorces". These are largely focused on family mediation by state agencies and local community-based committees, which are expressly tasked with "strengthening of family relationships and opposing various harmful influences alien to the national mentality".<sup>26</sup>

Domestic violence legislation in Armenia<sup>27</sup> and Azerbaijan<sup>28</sup> mandates that the state facilitate mediation between a domestic violence survivors and their abuser with the goal of achieving family reconciliation; however, once achieved, reconciliation is pointed to as the grounds for terminating any legal proceedings and

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25 UNFPA. Regional Office for Eastern Europe and Central Asia. Combatting violence against women and girls in Eastern Europe and Central Asia, UNFPA Issue Brief, No.6.Istanbul. 2015. [eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief\\_web.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief_web.pdf)

26 Указ Президента Республики Узбекистан, № УП-87: О мерах по дальнейшему ускорению работы по системной поддержке семьи и женщин. 07.03.2022: <https://lex.uz/docs/5899500>.

27 "Implement or facilitate the implementation of conciliation process between the victim and the perpetrator of violence within the family ... by the Head of the Competent Authority". Republic of Armenia law on prevention of violence within the family, protection of victims of violence within the family and restoration of peace in the family. Article 19.7: <https://www.refworld.org/pdfid/5a6b2e274.pdf>

28 The state shall "assist in normalization of relations between parties and resumption of family." , "The Law of the Republic of Azerbaijan On Prevention of Domestic Violence.2010. Article 7.0.4. An unofficial translation: <https://www.legislationline.org/documents/id/16419>

discharging the perpetrator from any responsibility.<sup>29</sup> Similarly, in Kazakhstan<sup>30</sup> and Uzbekistan,<sup>31</sup> domestic legislation allows the prosecution to release an abuser from responsibility and end legal proceedings if the abuser reconciles with the domestic violence survivor; in Uzbekistan survivors of domestic violence are also forced to participate in reconciliation meetings before filing for divorce.<sup>32</sup>

This approach disregards the existing power inequalities between the abuser and the survivor, including the unequal bargaining power they bring to reconciliation proceedings, and often leaves the person who has experienced domestic violence without access to justice.<sup>33</sup> The emphasis on reconciliation and prioritization of family unity over a survivor's safety and well-being contradicts international best practices and reinforces harmful stereotypes. Most critically, this approach ignores the vital interests of survivors and serves as a barrier to their access to adequate protection and other fundamental rights. In Kazakhstan, where the law allows legal proceedings to be terminated if an abuser reconciles with the victim, and where many victims are pressured to reconcile, the government data shows that 60 percent of the (administrative) cases related to domestic violence do not result in an abuser being held to an account.<sup>34</sup>

Governments and conservative groups have also used claims that they are protecting family unity as cover for their actions to prevent the adoption of effective domestic violence laws that would criminalize all forms of domestic violence. In 2018, the president of Belarus rejected a draft law on domestic violence, dismissing it as antithetical to national traditions.<sup>35</sup> In a dramatically disturbing move, in 2017 both Russia<sup>36</sup> and Kazakhstan<sup>37</sup> went so far as to decriminalize certain types of domestic battery and infliction of minor bodily injury. This provided abusers with protection from prosecution for the most common forms of domestic violence, leaving survivors with recourse primarily to ineffective administrative sanctions. In Russia, many forms of domestic violence which do not involve grave physical harm now fall under so-called private prosecutions, where police and prosecutors ordinarily do not assist the victim. The law places responsibility on victims to investigate the proceedings and act as the prosecutor - submit statements, collect evidence, etc. Such proceedings may be terminated at any time upon "reconciliation" of the parties, discharging the perpetrator from any responsibility. As a result, many domestic violence survivors are prevented and discouraged from accessing justice, fostering impunity for offenders.<sup>38</sup>

Similarly in Kazakhstan, decriminalizing offences of "intentional infliction of minor injury" and "battery" has weakened the protection of women against gender-based violence.<sup>39</sup> While, previously, people charged with these acts could face up to two months in jail, following decriminalization, offenders can walk free with only a written warning.<sup>40</sup>

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29 "A person having committed an offence of minor gravity may be released from criminal liability, where he or she has reconciled with the victim and has compensated or otherwise settled the damage caused to him or her." Article 73. Criminal Code of Armenia. Updated as of May 2018: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2021\)022-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2021)022-e)

30 Kazakhstan, Penal Code of the Republic of Kazakhstan. Article 68. An unofficial translation:

[https://www.legislationline.org/download/id/8260/file/Kazakhstan\\_CC\\_2014\\_2016\\_en.pdf](https://www.legislationline.org/download/id/8260/file/Kazakhstan_CC_2014_2016_en.pdf).

Official Russian version available: [https://online.zakon.kz/document/?doc\\_id=31575252&doc\\_id2=31575252#pos=80;-108&pos2=1232;-46](https://online.zakon.kz/document/?doc_id=31575252&doc_id2=31575252#pos=80;-108&pos2=1232;-46)

31 Uzbekistan. Criminal Code of the Republic of Uzbekistan. Article 66. Unofficial translation:

<https://www.legislationline.org/documents/action/popup/id/8931/> ; Official Russian version available:

<https://parliament.gov.uz/upload/files/laws/UGKODEKS.pdf>

32 Uzbek League for Human Rights. Alternative report to the Human Rights Committee on the implementation of the International Covenant on Civil and Political Rights by Uzbekistan. 2020. P.5.

[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT\\_CCPR\\_CSS\\_UZB\\_41383\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT_CCPR_CSS_UZB_41383_E.pdf)

33 UN Women. Handbook for Legislation on Violence against Women. 2012. p. 37.

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

34 Following the decriminalization of battery and infliction of minor injuries in 2017, almost all cases related to domestic violence in Kazakhstan are now initiated under administrative liability. see: <https://vlst.kz/obsshhestvo/43869-pobedivsee-nasilie.html>. see as well:

Сведения об административных правонарушениях совершенных в сфере семейно-бытовых отношениях за период с 2015 по декабрь 2020. Available at : [https://docs.google.com/spreadsheets/d/1ewiSfleQxYtUJZWCv82t0Ts2yR1tTC\\_5dOrlGavPGxE/edit#gid=1166709307](https://docs.google.com/spreadsheets/d/1ewiSfleQxYtUJZWCv82t0Ts2yR1tTC_5dOrlGavPGxE/edit#gid=1166709307)

35 THE VILLAGE БЕЛАРУСЬ, «Все это дурь, взятая прежде всего с Запада»: Лукашенко о законе против домашнего насилия. 2018:

<https://www.the-village.me/village/city/news-city/270809-lukashenko-o-zakone-protiv-nasilija>

36 Amnesty International. "Russia: Domestic violence law puts women at greater risk." February 8, 2017,

<https://www.amnesty.org/en/latest/news/2017/02/russia-domestic-violence-law-puts-women-at-greater-risk/>.

37 CEDAW. Concluding observations on the 5th periodic report of Kazakhstan. (CEDAW/C/KAZ/CO/5) para. 25 (a):

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKAZ%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKAZ%2fCO%2f5&Lang=en)

38 Advocates for Human Rights (AHR) Submission for Russian Federation UPR review 14 May 2018: [https://www.upr-](https://www.upr-info.org/sites/default/files/documents/2018-04/ahr_upr30_rus_e_main.pdf)

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39 CEDAW. Concluding observations on the 5th periodic report of Kazakhstan. para. 25 (a)

40 From January 2020, new amendments to the Code of Administrative Offenses abolished fines for domestic violence offense that did not result in serious harm to health replacing it with written warnings or arrest for up to 20 days (depending on the article). see: *Власть*,

In Tajikistan, where domestic violence is not a separate criminal offence, survivors are able to initiate proceedings under the criminal code, but bear the burden to prove that they have suffered “intentional infliction of harm to health”.<sup>41</sup> In practice it has meant that police often demand survivors present medical reports verifying their injuries before officials will open an investigation, even in cases when the signs of violence are clearly visible.<sup>42</sup> The 2013 law on domestic violence allows survivors to report abuse to law enforcement officers but does not make mandatory for the relevant agencies to investigate complaints, issue protection orders and open a criminal case.<sup>43</sup> As a result, instead of investigating and prosecuting the acts of domestic violence, survivors are often advised to reconcile with their abuser.<sup>44</sup> A new draft of the Criminal Code criminalizing domestic violence was discussed in parliament in 2021 but failed to include all types of violence notably psychological violence, marital rape and sexual assault.<sup>45</sup>

In most ECEA countries, where domestic violence is not criminalized as a separate offence and does not constitute aggravating circumstances under existing criminal or administrative laws, including laws on battery or assault, cases fall into a legal gap. The result is that laws fail to address offences that constitute abusive behaviour in domestic settings but that may not meet the threshold of a criminal offence as the law narrowly defines it. In its 2019 ruling on *Volodina vs. Russia*, the European Court of Human Rights underscored the need to criminalise all forms of domestic violence, noting that, “requiring injuries to be of a certain degree of severity as a condition precedent for initiating a criminal investigation undermines the efficiency of the protective measures in question because domestic violence may take many forms, some of which do not result in physical injury – such as psychological or economic abuse or controlling or coercive behaviour.”<sup>46</sup> The Court found that Russia had failed to set up and apply effectively a system punishing all forms of domestic violence and providing sufficient protection for victims.<sup>47</sup> Failure to specifically make domestic violence a distinct criminal offence also undermines efforts to make domestic violence socially unacceptable and end the damaging practice of normalizing domestic abuse.

Only four countries in the region, Georgia, Ukraine, Moldova and Kyrgyzstan, criminalize domestic violence as a separate offence under the law.

Even where domestic violence is specifically criminalized, as is the case in Ukraine, burdensome legal hurdles often leave survivors without effective protection and access to justice. In order to meet the threshold of a criminal offence, survivors in Ukraine must prove that the abuse they suffered has been “systematic”.<sup>48</sup> In practice, proving the systematic nature of domestic violence can often be an insurmountable challenge. To qualify as systematic, the “administrative” offence of domestic violence has to be documented as being committed at least twice within the year prior to the third offence, and must result in the physical or psychological suffering or deterioration in health and the quality of life of the survivor. Only then, criminal charges are brought against the perpetrator.<sup>49</sup> Imposing such hurdles to triggering criminal accountability effectively nullifies survivors’ ability to exercise their rights under the law.

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41 Criminal Code of the republic of Tajikistan. Articles 110- 112. Unofficial translation:

<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/xsp/.ibmmodres/domino/OpenAttachment/applic/ihl/ihl-nat.nsf/F7BC3707EFBFD4F6412568FF00358F07/TEXT/Tajikistan%20-%20Criminal%20Code%2C%201998%20%5BEng%5D.pdf>

42 Institute for War and Peace Reporting (www.iwpr.net). Central Asian Bureau for Analytical Reporting. Shohsanam Shodieva, Independent Analyst (Tajikistan). Domestic violence in Tajikistan. what measures are needed to be taken to help the victims? 8 February, 2021:

<https://cabar.asia/en/domestic-violence-in-tajikistan-what-measures-are-needed-to-be-taken-in-order-to-help-victims>;

43 Tajikistan Law on Prevention of domestic Violence. 2013 ( Закон «О предупреждении насилия в семье».) available in Russian:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/94868/111490/F1123656258/TJK94868.pdf>

44 Institute for War and Peace Reporting (www.iwpr.net). Central Asian Bureau for Analytical Reporting. Shohsanam Shodieva, Independent Analyst (Tajikistan). Domestic violence in Tajikistan. what measures are needed to be taken to help the victims? 8 February, 2021:

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45 Amnesty International annual report 2021. Tajikistan: <https://www.amnesty.org/en/location/europe-and-central-asia/tajikistan/report-tajikistan/>

46 *Volodina v. Russia* (application no. 41261/17) [https://hudoc.echr.coe.int/eng#\(1%22itemid%22:\[%22001-194321%22\]\)](https://hudoc.echr.coe.int/eng#(1%22itemid%22:[%22001-194321%22]))

47 *Volodina v. Russia* (application no. 41261/17) <https://hudoc.echr.coe.int/app/conversion/pdf/?filename=Judgment+Volodina+v.+Russia+-+domestic+violence.pdf&id=003-6454727-8498144&library=ECHR>

48 “Домашнє насильство, тобто умисне систематичне вчинення фізичного, психологічного або економічного насильства щодо подружжя чи колишнього подружжя або іншої особи, з якою винний перебуває (перебував) у сімейних або близьких відносинах, що призводить до фізичних або психологічних страждань, розладів здоров'я, втрати працездатності, емоційної залежності або погіршення якості життя потерпілої особи.” Стаття 126-1. Домашнє насильство. Кримінальний кодекс України. : <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2341-14#Text>

49 Ukraine: Not a private matter: domestic and sexual violence against women in Eastern Ukraine. December 11, 2020. (EUR 50/3255/2020)

<https://www.amnesty.org/download/Documents/EUR5032552020ENGLISH.PDF>

#### EASTERN EUROPE AND CENTRAL ASIA:

PROTECT WOMEN FROM VIOLENCE IN CRISIS AND BEYOND

# 4. ACCESS TO INFORMATION AND SUPPORT SERVICES

Protection and support services are key to survivors' ability to escape domestic violence and abuse. During the Covid-19 pandemic, effective and timely provision of these support services and the mobilization of resources have been essential to ensure people's safety and save lives. However, governments in the region have been falling short of their duty to provide vital services and have in fact instituted policies that often cut women off from support.

Across the EECA region, access to protection, support services and information for domestic violence survivors remains sorely inadequate. Governments have struggled to commit resources and their failure to prioritize women's rights and safety have resulted in a dearth of accessible, appropriate support services for women, including a lack of services providing legal and psychological support, shelters, and free telephone helplines.

During the Covid-19 pandemic, as women faced increased levels of domestic violence, access to domestic violence shelters were further limited, as resources were diverted to the Covid-19 crisis response and social distancing rules further reduced the capacity of the shelters to accept survivors during lockdown.<sup>50</sup>

States have an international obligation to provide "sufficient numbers of safe and adequately equipped crisis, support and referral centres and adequate shelters for women, their children and other family members, as required".<sup>51</sup> The Council of Europe sets out minimum standards for the number of shelters that should be provided; in the states where shelters are "the predominant or the only form of service provision," it requires one place per 10,000 people in the population, and it stipulates that one family place per 10,000 women should be maintained "where shelters form part of a community strategy with intervention projects," with at least one shelter in every province/region.<sup>52</sup>

A lack of accommodation for women who faced violence was a key issue across the region during the height of the pandemic in 2020 and 2021.

In Kazakhstan and Uzbekistan, almost all of the shelters and crisis centres that served domestic violence victims had to either temporarily close or stop accepting new survivors due to mandatory quarantine and social distancing measures.<sup>53</sup>

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50 UN Women. "Women at the forefront of COVID-19 response in Europe and Central Asia: Voices of gender equality mechanisms on COVID-19", 2020: <https://eca.unwomen.org/en/digital-library/publications/2020/06/voices-of-gender-equalitymechanisms-on-covid-19>

51 CEDAW, General Recommendation 31(a)(iii).

52 COE, Directorate General of Human Rights and Legal Affairs (2008) Combating violence against women: minimum standards for support services. p.38: [https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf),

53 OECD. 2021 "Gender gaps in Eurasia: the daunting effects of COVID-19:

In Uzbekistan, only five crisis shelters were able to operate during lockdowns and other restrictive measures in 2020-2021<sup>54</sup> In 2021, the overall number of assistance centres and shelters for domestic violence survivors was reduced from 197 to 29. According to local women's rights activists, the reduced number of shelters is not enough to meet the needs of domestic violence survivors nationwide, especially as the shelters struggle with lack of funding and resources.<sup>55</sup> In Kyrgyzstan, the government has yet to realize its pledge to open state shelters. Domestic violence survivors nationwide for the country of 6.5 million have been left with only two shelters run by NGOs in the cities of Bishkek and Osh.<sup>56</sup> Survivors of domestic violence in Tajikistan also struggle with a shortage of shelters. In a country of almost 9 million people, there are only seven shelters for victims of domestic violence run by the NGOs, each with a maximum capacity of 10 persons.<sup>57</sup>

In Ukraine, where, prior to the February 2022 Russian invasion Ukraine there were only 33 shelters nationwide for a population of almost 42 million, there were likewise several regions of the country with no shelters at all.<sup>58</sup> Updated information regarding the functioning shelters for domestic violence survivors (in the context of the war) was not available at the time of writing.

In Russia, as women's organizations reported a sharp increase in calls for help, many shelters across the country were forced to close temporarily at the height of the pandemic because they were not officially recognized as essential services under local lockdown regulations and were unable to meet requirements to provide for isolation or social distancing of shelter residents and crisis centres' visitors.<sup>59</sup> The Russian government only recognized domestic violence on its list of valid emergencies that warranted breaking quarantine in May 2020; up until then women were actually fined for violating quarantine rules when they took steps to flee their abusers.<sup>60</sup>

A study by the Council of Europe on domestic violence in Russia found that "the number of institutions that could provide assistance to victims of domestic violence are far too few to meet the actual needs of the population and not all regions of the country have crisis centres or shelters".<sup>61</sup> For example the study was able to identify only 14 state-run women's crisis centres that provide temporary housing/shelter services for the whole population of over 146 million people in Russia.<sup>62</sup>

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<https://www.oecd.org/eurasia/Gender%20gaps%20in%20Eurasia%20The%20Daunting%20effects%20of%20COVID%2019.pdf>.

54 Amnesty International annual report 2020/21. Uzbekistan. p. 389: <https://www.amnesty.org/en/wp-content/uploads/2021/06/English.pdf>

55 IPHR. Joint NGO submission to CEDAW ahead of the consideration of Uzbekistan's Sixth Periodic Report at the 81st session in February 2022 Uzbekistan: Failure to Protect Women from Domestic Violence JANUARY 2022 p.13: <https://www.iphronline.org/wp-content/uploads/2022/02/Joint-NGO-submission-to-CEDAW-2.pdf>

56 Amnesty International. "Women with Disabilities: Invisible Survivors of Domestic Violence in Kyrgyzstan." June 29, 2021:

<https://www.amnesty.org/en/latest/campaigns/2021/06/women-with-disabilities-invisible-survivors-of-domestic-violence-in-kyrgyzstan/>

57 Institute for War and Peace Reporting (www.iwpr.net). Central Asian Bureau for Analytical Reporting. "Shelters for victims of domestic violence in Dushanbe". 28 August, 2021.

<https://cabar.asia/en/shelters-for-victims-of-domestic-violence-in-dushanbe>

58 Ukrainian Ministry of Social Policy. Government approves State Program for Prevention and Counteraction to Domestic and Gender-Based Violence until 2025. February 24, 2021, Available in Ukrainian: <https://www.msp.gov.ua/news/19691.html>

59 Larisa Zhukova. Heinrich-Böll-Stiftung European Union. How COVID-19 pandemic affected women in Russia. 18 June 2020

<https://eu.boell.org/en/2020/06/18/how-covid-19-pandemic-affected-women-russia>

60 Madeline Roache. Time. Women and the pandemic. Russia's leaders won't deal with a domestic violence epidemic. These women stepped up instead. <https://time.com/5942127/russia-domestic-violence-women/>

61 COE. Research on preventing and combating violence against women and domestic violence including in situations of social disadvantage in the Russian Federation. p.65: <https://rm.coe.int/publication-research-on-vaw-and-dv-in-situations-of-social-disadvantage/16809e4a04>

62 The overall number and shelters and assistance services available in the Russian Federation for the domestic violence survivors remains difficult to determine, as the state does not keep an open list of crisis centres and shelters available for domestic violence survivors. See footnote 63.

## **EASTERN EUROPE AND CENTRAL ASIA:**

### **PROTECT WOMEN FROM VIOLENCE IN CRISIS AND BEYOND**

# 5. ACCESS TO PROTECTION MEASURES AND JUSTICE

A pattern of government failure to provide protection for survivors of domestic violence is leaving women particularly vulnerable as domestic abuse increased during the Covid-19 pandemic. Through the region, women's human rights defenders have been raising concerns about lack of appropriate protection as one of the main reasons many survivors of domestic violence choose not to report violent incidents or pursue legal remedy for abuse they have suffered. Adding to the problem is also a lack of competence and training among law enforcement officials and judges tasked with addressing incidents of domestic violence. Complaints of domestic violence are often not taken seriously or dealt with appropriately by police, who lack guidance and training in applying protection measures, such as restraining orders (where available), and who have been implicated in directly obstructing survivors' attempts to seek protection and justice. As a result, violent situations go unaddressed and can escalate to increasingly dangerous and even fatal levels.<sup>63</sup>

In Tajikistan, lack of support services for domestic violence survivors, especially in rural communities, combined with the mobility restrictions have made it more difficult for women to access help during the Covid-19 pandemic. Even prior to the pandemic, the ongoing legal loopholes left the survivors without effective protection, where police treat domestic violence as a minor accident and would not effectively investigate their complaints or issue protective orders. Women human rights defenders from Tajikistan report that before opening an investigation police often demand survivors present medical reports verifying they suffered injuries, even in cases when the signs of beatings a person has survived are clearly visible. Arrests based on reports of domestic violence are rare, and instead survivors are often advised to reconcile with their abuser.<sup>64</sup>

Reporting domestic violence cases is especially problematic in rural areas, where local police stations or support centres are not easily accessible. Some domestic violence survivors even report that instead of police officers traveling long distances to conduct investigations, they require the survivors to bring the perpetrators to the police stations themselves.<sup>65</sup>

In Ukraine, despite positive legislative reforms and the government's prioritization of the issue prior to the 2022 Russian invasion, survivors of domestic violence continued to face serious challenges in seeking

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63 Amnesty International interviews and conversations with women human rights defenders from Russia, Ukraine, South Caucasus and Central Asia. see as well: United Nations Population Fund (UNFPA) Regional Office for Eastern Europe and Central Asia. *Combating violence against women and girls in Eastern Europe and Central Asia*, UNFPA Issue Brief, No.6.Istanbul. Page.9 2015.

[https://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief\\_web.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief_web.pdf)  
[https://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief\\_web.pdf](https://eeca.unfpa.org/sites/default/files/pub-pdf/21770%20Brief_web.pdf)

64 International Alert. *Gender-based violence in Tajikistan in the context of COVID-19*. March 2021. P.3:  
<https://www.international-alert.org/wp-content/uploads/2021/07/Tajikistan-GBV-COVID-19-Ed2-EN-2021.pdf>; see as well: Human Rights Watch, "Violence with every step." *Weak state response to domestic violence in Tajikistan*. September 2019.

65 Human Rights Watch, "Violence with every step." *Weak state response to domestic violence in Tajikistan*. September 2019.  
<https://www.hrw.org/report/2019/09/19/violence-every-step/weak-state-response-domestic-violence-tajikistan>

protection, justice and reparation. Even before the pandemic, out of 27 cases documented by Amnesty International between January and November 2019, women's complaints were accepted and qualified as domestic violence in only four cases. Police officers in Ukraine can issue emergency protection orders, but the understanding of this tool as well as persistent perception of domestic violence as a "family matter" often prevents them from applying it effectively. Courts can issue restraining orders against perpetrators of domestic violence, but Amnesty International's research showed that perpetrators' compliance with emergency protection and restraining orders is poorly monitored and enforced, often rendering this mechanism ineffective.<sup>66</sup>

In Belarus, women remain discouraged from reporting domestic violence and seeking assistance out of fear of losing their parental rights, as their family might be perceived as a "family at social risk" with their children being taken away and institutionalized.<sup>67</sup> Presidential Decree No. 18. on "measures to protect children in dysfunctional families" adopted in 2006 gives the state the power to remove a child and place them into state care if the parents, or a single parent, "lead an immoral life" or "if they otherwise misbehave and fail in their responsibilities to raise and support their children, which puts children in a socially dangerous situation."<sup>68</sup> Since its passage and more recently, the Decree has been used to target political activists, particularly women, as a way to deter them from participating in politics or to discourage public protest and dissent.<sup>69</sup>

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66 Amnesty International, "Not a private matter: domestic and sexual violence against women in Eastern Ukraine." (EUR 50/3255/2020). 11 December 2020. P. 47 and 50: <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR5032552020ENGLISH.pdf>

67 UN Committee on the Elimination of Discrimination Against Women (CEDAW), Concluding observations on the eighth periodic report of Belarus, 18 November 2016, CEDAW/C/BLR/CO/8,p.11: <https://www.refworld.org/docid/583864b94.html>

68 Decree of the President of Belarus.. November 24, 2006 No. 18 On additional measures for the state protection of children in vulnerable families. Available in Russian: [http://www.tamby.narod.ru/belarus/belarus-zakon\\_D18.htm](http://www.tamby.narod.ru/belarus/belarus-zakon_D18.htm)

69 Amnesty International. "Crackdown from the top: gender-based reprisals against women activists in Belarus". (EUR 49/2748/2020) <https://www.amnesty.org/en/documents/eur49/2748/2020/en/>



# 6. ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH

Increased levels of domestic violence and restrictions associated with the Covid-19 pandemic have had a profound impact on the sexual and reproductive health and rights of women across the EECA region.<sup>70</sup>

Domestic violence is closely linked with women's ability to access reproductive healthcare. Women who experience domestic violence may be prevented from accessing contraception and family planning services or otherwise exercising control over their bodies and reproductive decisions. Unwanted pregnancies are significantly more common among women who have reported partner violence compared with those who have not.<sup>71</sup> At the same time, restrictions such as travel bans or isolation measures often have long lasting consequences for women's ability to access time-sensitive and essential reproductive health services such as family planning, pre- and post-natal care and abortion care. The combination of domestic violence and pandemic related restrictions operate to seriously constrain the ability of women to tend to their sexual and reproductive health.<sup>72</sup>

Reproductive rights entail the recognition of the right of women to have control over their bodies and to "make decisions concerning reproduction free of discrimination, coercion and violence."<sup>73</sup> This right encompasses access to comprehensive sexual and reproductive healthcare including contraception and safe abortion, including abortion pills for use at home, post-abortion care and miscarriage treatment, as well as pregnancy, pre- and post-natal screening, advice and care.

States have obligations to provide access to reproductive health services in accordance with the principles of dignity, equality, and non-discrimination, and while respecting individual human rights. In order to be accessible, healthcare services, goods and facilities need to be made available in adequate numbers, should be accessible physically and economically and should be of good quality.<sup>74</sup> States must also take the initiative

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70 UN Women. ECA. Rapid Gender Assessment Survey on the Impacts of COVID-19, April–May 2020. Gender assessments in Europe and Central Asia reveal pandemic's devastating impact on women.a (The survey included only Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova from the EECA region.) <https://eca.unwomen.org/en/digital-library/publications/2020/07/the-impact-of-covid19-on-womens-and-mens-lives-and-livelihoods>

71 Centre for Reproductive Rights. Violence against women and reproductive rights in the Americas: [https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/EN Advocacy Doc for OAS Convening.pdf](https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/EN%20Advocacy%20Doc%20for%20OAS%20Convening.pdf)

72 UN Women. ECA.Rapid Gender Assessment Survey on the Impacts of COVID-19, April–May 2020. Gender assessments in Europe and Central Asia reveal pandemic's devastating impact on women.. p 31-32: <https://eca.unwomen.org/en/digital-library/publications/2020/07/the-impact-of-covid19-on-womens-and-mens-lives-and-livelihoods>

73 Beijing Declaration and the Platform for Action, Fourth World Conference on Women, Beijing, China, September 4-15 1995, U.N. Doc. A/CONF.177/20 (1996) para. 95. <http://www.un.org/womenwatch/daw/beijing/platform/>

74 UN Human Rights Council, Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Paul Hunt., 18 May 2009, A/HRC/11/12/Add.2,Para 45.<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/519/97/PDF/N0651997.pdf?OpenElement>

to remove all legal, policy and practical barriers to access, including new barriers which have arisen in the context of the Covid-19 pandemic and state response to it.<sup>75</sup>

Part of the reason regular clinical services have become more difficult to access during the pandemic is that many reproductive healthcare services have been deemed non-essential and have been forced to operate on a reduced scale. As a result, women are left with reduced access to sexual and reproductive health services and goods, such as contraception and maternal healthcare. Disruptions in the availability of safe abortion, which is a time-sensitive medical intervention, also negatively impacts the health and rights of women.<sup>76</sup>

The consequences of scaling back sexual and reproductive health services during the pandemic have been compounded by the increase in domestic violence during the same period, often further limiting survivors' access to services and putting the health and wellbeing of women at heightened risk.<sup>77</sup> Women from marginalized groups who rely heavily on public health services may be especially adversely affected.

In Central Asia, three out of every five women reported difficulty accessing health services including sexual and reproductive care.<sup>78</sup> In Azerbaijan, more than half of the surveyed women in need of sexual and reproductive health services reported difficulty in accessing such services, while up to 40 percent of women surveyed in Georgia reported similar obstacles.<sup>79</sup>

In Georgia, women's reproductive rights organizations reported a rise in demand for legal counselling for survivors of domestic and sexual violence, while fewer women received reproductive healthcare, suggesting obstacles with access.<sup>80</sup> During the initial stages of the pandemic many medical centers were forced to operate on reduced and emergency schedules, limiting availability to their services. This policy exacerbated already existing restrictions on access to essential sexual and reproductive health services, such as safe abortion, post-abortion care, contraceptives and emergency contraceptives.<sup>81</sup> There have also been reports in Georgia of increased social pressure coming from ultra-conservative parties who have used the Covid-19 pandemic as a pretext to stigmatize sexual and reproductive health services, for instance by distributing messages that say Covid-19 is supposedly divine retribution for contraceptive use and abortion.<sup>82</sup>

In Armenia, the options and accessibility of health services for families remained limited during the pandemic, especially for members of socially vulnerable groups, people with disabilities and individuals from rural areas. Measures taken in response to the pandemic had a particularly negative effect on women's health. In addition to being faced with a shortage of services, women had increased difficulty accessing abortion services due to the government decision to suspend public transportation.<sup>83</sup>

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75 CESCR Committee, General Comment 22 (2016) on the right to sexual and reproductive health (Article 12 of the ICESCR), UN Doc. E/C.12/GC/22 (2016), para. 15

76 UN Women. ECA..Rapid Gender Assessment Survey on the Impacts of COVID-19, April–May 2020. Gender assessments in Europe and Central Asia reveal pandemic's devastating impact on women... p 31-32: <https://eca.unwomen.org/en/digital-library/publications/2020/07/the-impact-of-covid19-on-womens-and-mens-lives-and-livelihoods>

77 UNFPA. COVID-19: A gender lens: Protecting sexual and reproductive health and rights, and promoting gender equality (March 2020) [https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19\\_A\\_Gender\\_Lens\\_Guidance\\_Note.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_A_Gender_Lens_Guidance_Note.pdf)

78 UN Women. Rapid Gender Assessment Survey on the Impacts of COVID-19, April–May 2020. Gender assessments in Europe and Central Asia reveal pandemic's devastating impact on women: P.7:

<https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2020/07/The%20impact%20of%20COVID19%20on%20womens%20and%20mens%20lives%20and%20livelihoods%20in%20Europe%20and%20Central%20Asia.pdf>

79 UN Women. Rapid Gender Assessment Survey on the Impacts of Covid-19, April–May 2020. Gender assessments in Europe and Central Asia reveal pandemic's devastating impact on women: P 2 and 31:

<https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2020/07/The%20impact%20of%20COVID19%20on%20womens%20and%20mens%20lives%20and%20livelihoods%20in%20Europe%20and%20Central%20Asia.pdf>

80 International Planned Parenthood Federation (IPPF) Blog. COVID-19 Impact: What we know so far – Georgia. An interview with Nino Tsuleiskiri, Executive Director of Association HERA-XXI, on the impact of COVID-19 in Georgia. 21. April 2020.

<https://www.ippf.org/blogs/covid-19-impact-what-we-know-so-far-georgia>

81 Public Defender of Georgia. Sexual and Reproductive Health and Human Rights: National Assessment Key Findings. 2019

[https://georgia.unfpa.org/sites/default/files/pub-pdf/Sexual%20and%20Reproductive%20Health%20and%20Rights%20Country%20Inquiry.%20Key%20Findings\\_ENG.pdf](https://georgia.unfpa.org/sites/default/files/pub-pdf/Sexual%20and%20Reproductive%20Health%20and%20Rights%20Country%20Inquiry.%20Key%20Findings_ENG.pdf)

82 International Planned Parenthood Federation (IPPF) Blog. COVID-19 Impact: What we know so far – Georgia. An interview with Nino Tsuleiskiri, Executive Director of Association HERA-XXI, on the impact of COVID-19 in Georgia. 21. April 2020.

<https://www.ippf.org/blogs/covid-19-impact-what-we-know-so-far-georgia>

83 Armenia Women's Resource Center. Submission to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: <https://www.ohchr.org/Documents/Issues/Health/sexual-reproductive-health-covid/CSOs/ngo.women.resource.center.armenia.docx>

In Ukraine, the Russian aggression is having a severe effect on women and girls and is jeopardizing their sexual and reproductive health and rights. Military strikes have killed and harmed pregnant women and newborn babies and destroyed maternity hospitals and other health-care facilities, increasing the risk of maternal and infant mortality and morbidity. The health system is collapsing and access to essential health services including sexual and reproductive healthcare is drastically reduced in many war-affected areas. Women and girls are facing a surge in all forms of violence including sexual violence and exploitation as a result of war. Millions of them who are forced to leave their homes and become internally displaced are also facing increased risks of gender-based and sexual violence and threat to their reproductive health and rights.

<sup>84</sup>

In Russia, women's groups reported that many hospitals in Moscow denied women abortions due to Covid-19-related restrictions that were imposed by government authorities at the height of the pandemic in April 2020. According to the women's rights group [Nasiliyu.Net](https://www.nasiliyu.net/), its inquiry indicated that only three out of 44 hospitals in Moscow were allowing women seeking abortions to schedule the procedure at the time pandemic peaks in 2020. Despite being an essential and time-sensitive medical procedure, abortion was not among the treatments listed by Moscow's Health Department as procedures that should not be delayed or interrupted by Covid-19-related restrictions.<sup>85</sup>

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<sup>84</sup> Europe: Call to Action. The sexual and reproductive health and rights of women and girls and marginalized populations affected by the conflict in Ukraine. 17 March 2022 (EUR 01/5363/2022): <https://www.amnesty.org/en/wp-content/uploads/2022/03/EUR0153632022ENGLISH.pdf>

<sup>85</sup> Tanya Lokshina. Human Rights Watch, Dispatches. Denying Women Abortion Access in Moscow. 28 April, 2020: <https://www.hrw.org/news/2020/04/28/denying-women-abortion-access-moscow>

# RECOMMENDATIONS

Going forward, governments in the region should take concrete and critical steps to ensure that legal frameworks are in place and best practices are followed to reduce the risk of domestic violence and improve women's and girls' access to services, protection, and justice. These include the following:

## **ESTABLISHING AND STRENGTHENING A RIGHTS-RESPECTING LEGAL FRAMEWORK THAT PREVENTS DOMESTIC VIOLENCE AND VIOLENCE AGAINST WOMEN AND PROTECTS SURVIVORS. TO THIS END, AND AS APPLICABLE TO THEIR NATIONAL CIRCUMSTANCES, STATES SHOULD:**

- Consider ratification of or accession to the Istanbul Convention and adopt its principles, definitions and standards in addressing violence against women and domestic violence at the national level.
- Adopt new laws or amend existing laws to ensure the definition of domestic violence is consistent with the Istanbul Convention, and that domestic violence constitutes a separate criminal offence under national legislation.
- Adopt or amend legislation to ensure that acts of domestic violence are punishable by effective, proportionate and dissuasive sanctions. Ensure that cultural, religious, social or traditional norms or customs are not invoked, nor constitute justification or grounds for, avoiding liability for acts of domestic violence under criminal law and criminal procedural law.
- Remove from legislation any requirements for mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence.
- Remove from legislation any requirement that the complainant must provide a medical examination or other “proof” of injury from domestic violence in order to file a complaint and/or access an order of protection or other protection mechanisms.
- Remove from legislation any requirement that criminal charges for domestic violence can only be levied if it is documented that the perpetrator has committed more than one domestic violence offence in a given time period.

## **IMPROVING IMPLEMENTATION OF NATIONAL LAWS AND ENSURING THAT SURVIVORS OF DOMESTIC VIOLENCE HAVE ACCESS TO ADEQUATE PROTECTION AND ASSISTANCE MEASURES. TO THIS END, STATES MUST:**

- Ensure (including by legislating where necessary) that appropriate restraining or protection orders are available to survivors of domestic violence and that survivors are informed of their right to access such protection.
- Provide law enforcement officials and judges with appropriate training and clear prescriptive protocols for handling reports of domestic violence, and ensure guidelines are in place for applying protection measures, including designation of direct responsibility for ensuring the safety of survivors.
- Ensure that all reports and allegations of violence against women, including domestic violence, are promptly and effectively investigated and that perpetrators are brought to justice in line with international standards of fair trials. Ensure that procedures and mechanisms for reporting such allegations, by survivors or others, are effective, confidential and safe.

**EASTERN EUROPE AND CENTRAL ASIA:**  
PROTECT WOMEN FROM VIOLENCE IN CRISIS AND BEYOND

- Provide survivors of domestic violence in all parts of the country with access to effective remedies and means of protection and assistance, including accommodation or shelters and other support services including free legal aid.
- Ensure services designated to provide safety and assistance to survivors of domestic violence, especially shelters, are adequately resourced and meet international standards and best practice in terms of their availability, accessibility and the level and quality of service provided.
- Designate support services for survivors of domestic violence as essential services and ensure they remain available and accessible during emergencies or any future restrictive measures such as lockdowns.
- Exempt from travel bans, quarantine requirements and other emergency restrictions people seeking domestic violence-related services.

**AMNESTY INTERNATIONAL CALLS ON THE INTERNATIONAL COMMUNITY TO: ENSURING CONTINUITY OF SEXUAL AND REPRODUCTIVE HEALTHCARE SERVICES DURING PANDEMIC-RELATED RESTRICTIONS OR OTHER EMERGENCY MEASURES. TO THIS END, STATES MUST:**

- Ensure that sexual and reproductive healthcare services, including contraception and abortion, are considered essential services that will remain available and accessible, and remain exempt from travel and other restrictions.
- Lift legal and administrative barriers, such as mandatory waiting periods or compulsory counselling, to ensure that access to time-sensitive reproductive health services such as contraception and abortion remain accessible without delays.
- Take measures to ensure that women who experience greater barriers in accessing health services, including women with disabilities and women from rural areas, have access to sexual and reproductive health and rights.
- Facilitate cross-border access to sexual and reproductive healthcare where necessary to overcome national legal barriers and severe restrictions in transit and host countries in relation to women and girls affected by the war in Ukraine and elsewhere. In particular, take swift and effective measures to facilitate and support urgent access to early medical abortion, through supporting cross-border and telemedical service-provision.

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WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# **EASTERN EUROPE AND CENTRAL ASIA:**

## **PROTECT WOMEN FROM VIOLENCE DURING CRISIS AND BEYOND**

Covid-19, the Russian aggression against Ukraine, and widespread reliance on “traditional values” have compounded a deteriorating human rights situation and increasing levels of domestic violence in Eastern Europe and Central Asia.

This report exposes institutional, social and cultural challenges faced by survivors of domestic violence in the region and demonstrates how ill-adapted and often deaf state institutions are to their needs. A growing traditionalist, patriarchal and often openly misogynistic political agenda is eroding already sparse institutional, legal and other safeguards against such violence.

The report gives recommendations for minimum requirements for protection of women during crises such as the pandemic and beyond, by drawing on the work of international, local and national non-governmental organizations, and on ongoing conversations with partner organizations and activists across the region.

Given the increased risks of domestic violence in the context of pandemic and war, governments must accelerate efforts to adopt a rights-respecting legal framework to address gaps in existing protection norms for women against domestic violence, in line with the Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention). They must criminalize domestic violence, repeal harmful policies and adequately resource shelters and other protection and support services to domestic violence survivors.

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