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# “Violence With Every Step”

Weak State Response to Domestic Violence in Tajikistan



# **“Violence with Every Step”**

**Weak State Response to Domestic Violence in Tajikistan**

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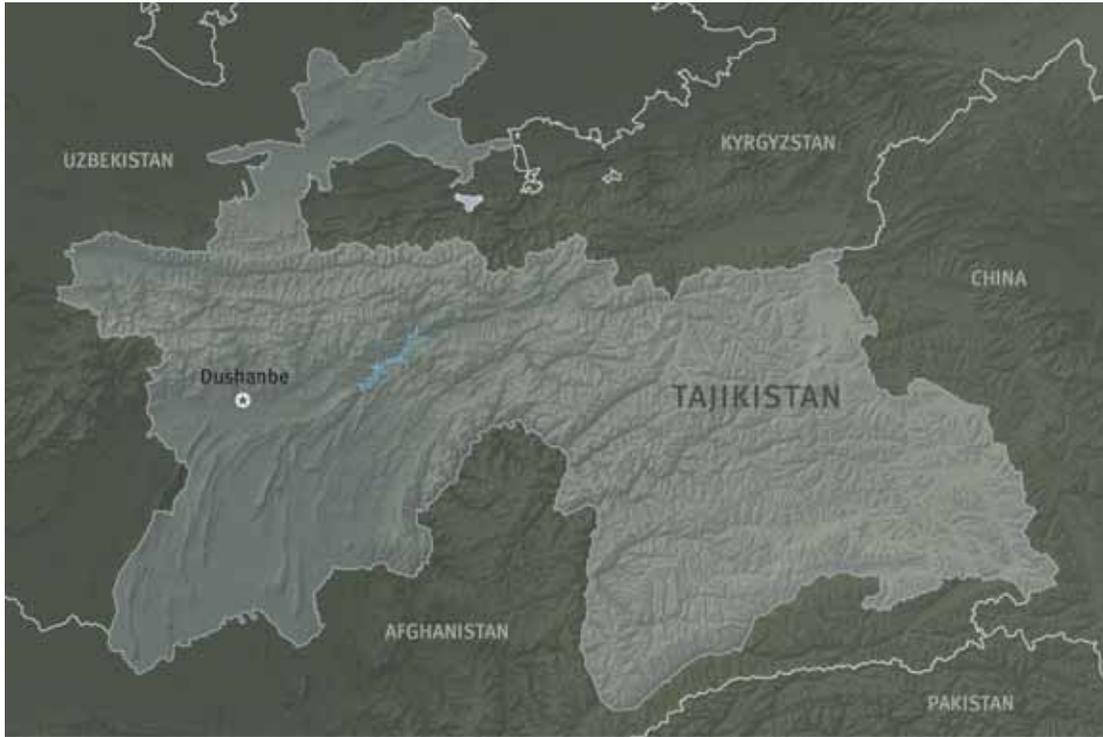
# “Violence with Every Step”

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## Map of Tajikistan



## Summary

“After he beat me, I narrowly escaped and went to the city prosecutor’s office covered in blood,” said Zebo Z., 28, who told Human Rights Watch she first reported violence to authorities after more than four years of spousal abuse and rape. Neither domestic violence nor marital rape are recognized as discrete crimes under Tajikistan’s criminal law. Zebo tried to report what had happened to her to the prosecutor but he interrupted, “Aren’t you yourself to blame?” He called Zebo’s husband, exposing her whereabouts, and said, “Everything will work out fine. Go home.”

But Zebo could not go home. The night before her husband had beat her for three hours until her face, and his hands, were covered entirely in blood. In a drunken rage, he threatened to strangle the couple’s two-year-old son. When Zebo asked neighbors for help, they answered, “How can we take you in? This is a family affair.” Zebo and her children were left on the street. Like so many women in Tajikistan, Zebo’s marriage was unregistered with the state, performed only through a religious ceremony (*nikoh*). She was the second of her husband’s two wives, living in a separate residence from his other family.

Finally, after more beatings and getting no help from the police, Zebo and her children fled from the southern city of Kulob to the capital, Dushanbe, and found a shelter for survivors of domestic violence, one of two in the capital and four in the entire country of nearly nine million people. There, Zebo received medical and psychological support and legal advice on how to obtain a divorce and recover her share of marital property. She gained skills to start a small business. Still, Zebo has never been able to enforce alimony payments, nor hold her husband criminally responsible for his violence.

Zebo’s story reflects the domestic violence experienced by so many women in Tajikistan today. Women across the country are enduring brutal attacks from their husbands and other family members, as officials often neglect survivors’ needs for safety, services, and justice. Civil society groups and domestic violence shelters are providing life-saving assistance, and the government has taken initial steps to combat this violence. But far more needs to be done.

Human Rights Watch investigated Tajikistan’s response to domestic violence through interviews with survivors of domestic violence, service providers, police, activists, government agencies, doctors, psychologists, and international donors and advisors in

July and August 2015, July and September 2016, and follow-up interviews between August 2018 and March 2019. This report recognizes the progress that has been made, but also documents stark problems with the government’s response, including with respect to offering protection and services, investigating and prosecuting cases, and penalizing perpetrators.

This report and its recommendations focus on violence against women by male partners and their relatives, including mothers-in-law. Dozens of survivors of domestic violence all across Tajikistan, from cities and villages alike, told Human Rights Watch harrowing stories of the worst kinds of abuse, including sadistic violence committed by perpetrators who span nearly every socioeconomic category.

Examples of the physical and psychological violence that survivors of domestic violence shared with Human Rights Watch in the course of this research include:

- Marital rape, including anal rape, and rape with various objects;
- Beatings with a brick, a shovel, a broom, a fireplace poker, a stick, a chair, and other sharp and heavy objects;
- Having a burning brick placed on the face;
- Stabbing with a knife;
- Being struck in the face with an iron;
- Confinement in an outdoor garage in cold weather;
- Suspension from the ceiling for hours;
- Forcing a spouse to stand still in certain positions holding buckets filled with water;
- Depriving a spouse of meals, access to the kitchen, the toilet, and clothing;
- Manual strangulation, and with a necklace, or with cellophane over the head.

The precise number of women who experience violence at the hands of a partner is unknown, as the government does not systematically monitor the issue. But experts, including sociologists, government officials, international researchers, lawyers, and service providers with whom Human Rights Watch spoke in various regions of Tajikistan report that violence against women remains pervasive today in Tajik society, often taking on severe forms and even including murder and incitement to suicide. According to the United Nations (UN) Committee on the Elimination of Discrimination against Woman (CEDAW), gender-based violence against women remains widespread but underreported in

Tajikistan. According to a 2016 study performed by the research organization Tahlil va Mashvarat (*Analysis and Advice*), the Committee on Women and Family Affairs (CWFA) and Oxfam, which interviewed 400 people across six regions of Tajikistan, 97 percent of men and 72 percent of women believed that a woman must tolerate violence to keep her family together.

According to the Government of Tajikistan's sixth periodic report to the CEDAW Committee in 2018, covering the period 2013-2017, a total of 1,296 complaints of domestic abuse were made to police, of which 1,036 were investigated by district police inspectors, and 260 by specially-appointed and trained inspectors for the prevention of domestic violence. 996 of those filed were complaints against men, compared with 296 made against women. Only 65 criminal prosecutions were initiated under various articles of the Criminal Code. Criminal prosecutions were declined in 1,003 cases, 131 cases were pending, and 76 complaints were sent for investigation.

In relation to perpetrators of domestic violence, Tajik authorities reported to the CEDAW Committee that, for the same period, 181 protocols (criminal, administrative cases, or indictments) were opened under art. 93 of the Code of Administrative Offenses as well as another 52 under other articles of the code. Art. 93 is entitled "Violation of the requirements of the legislation of the Republic of Tajikistan on the prevention of domestic violence and violation of the requirements of a restraining order." Because violations under art. 93 include a wide spectrum of crimes that may or may not actually concern domestic violence, it is unclear how many of these violent crimes involve domestic violence or other forms of sexual or gender-based violence (SGBV).

In 2013, following a 10-year advocacy effort by civil society groups, Tajikistan passed its first ever law addressing domestic violence, the Law on the Prevention of Violence in the Family (hereinafter Family Violence Law), which, while making key advances in the protection of women, left critical gaps.

The Family Violence Law does not recognize domestic violence as a crime, providing only for administrative liability. The law does not criminalize domestic violence. Victims seeking prosecution and punishment of the abuser must bring claims under articles of the Tajik Criminal Code that govern assault and similar acts involving force or violence. The law does not define the term "family" and, according to the interpretation of several experts and women's rights lawyers, leaves women who are divorced or in polygamous, child, or unregistered marriages unprotected.

On the positive side, the Family Violence Law recognizes the rights of victims to legal, medical, and psychosocial assistance and individual remedies, including registering a case of violence and obtaining protection orders. Furthermore, service providers and civil society activists say that the law's adoption has raised public awareness about the problem, and that it could be transformative if fully implemented across the country. The government has also worked, with support from international donors and nongovernmental organizations (NGOs), to establish Gender-Sensitive Police Units in police stations and Victim Support Rooms in hospitals, designed to make these institutions more accessible to and supportive of victims of family violence.

In 2014, the government adopted an Action Plan for the implementation of the law through 2023. It also adopted a revised Code of Administrative Offenses specifying liability for violations under the Family Violence Law, introduced new conditions for issuing restraining orders (art. 93), and revised the Police Act, which adds measures for the prevention of domestic violence to the duties of police officers. The government is in the process of strengthening its strategy for handling gender-based violence, which should focus greater government attention on protecting women.

A national hotline has been set up to refer survivors of family and sexual violence to services. And a growing network of activists, many of them also survivors of family violence, are bringing help to some of the most remote areas of the country.

Beyond the realm of legislation, Tajikistan's Committee for Religious Affairs, along with NGOs, has been engaging mullahs and other religious leaders in awareness-raising activities aimed at emphasizing the incompatibility of domestic violence with the principles of Islam.

However, as this report demonstrates, much remains to be done.

Six years after it was passed, the Family Violence Law has not been adequately implemented. The government has issued implementing regulations, and some international organizations such as the Organization for Security and Co-operation in Europe (OSCE) have provided crucial support for the expansion of services, but pervasive patriarchal norms and societal stereotypes, impunity for perpetrators, a lack of awareness among victims about their rights and the remedies available to them under the law, and critical gaps in protection mean that domestic violence remains widespread and victims have little recourse to help or justice.

The law aims to make it easier for victims of family violence to get protection orders and services. Yet advocates and the survivors Human Rights Watch interviewed said that, with a few exceptions, police rarely take family violence seriously. They often refuse to pursue investigations, issue protection orders, or arrest people who commit domestic violence, even in cases where the violence is severe, including attempted murder, serious physical harm, and repeated rape. Sometimes police tell victims it's a "family matter" and send them away. Or they refuse to do anything until they have a medical report, rather than gathering evidence provided by the victim in front of them, often with visible wounds. They often fail to investigate cases that occur in rural areas, where there is little government presence and where police might have to travel long distances to conduct investigations, telling victims it is their responsibility to bring the perpetrator to the police station.

As one survivor told Human Rights Watch, "I didn't bother going to the police to complain about the violence, because after the first time I went he [the partner] began to beat me even harder."

When police do get involved in family violence cases, they typically do so without adhering to international standards calling for a survivor-centered response to domestic violence that prioritizes the survivors' security and mental and physical well-being. They often mandate mediation for the couples involved, in contrast with international best practices, which encourage arrest and prosecution. Even in the limited number of police stations trained in gender-sensitive techniques, the usual approach is for police officers to sit a survivor down with the attacker and devise an agreement in which the attacker promises to stop being violent, and perhaps to pay some compensation. This happens even when there is clear evidence that a serious crime has been committed and when the victim expresses concern that she is at continued risk of abuse. It happens when the attacks continue between mediation sessions and the victim tells the police that the attacks are continuing. It happens even when the victim tells the police she wants the attacker to be prosecuted and imprisoned.

Survivors of violence face difficulty in securing protection orders. Police often fail to tell survivors about protection orders or refer them to court to seek orders in cases where they would have been appropriate. Survivors who do seek protection orders often encounter delays and costly fees in the courts.

There is a dire lack of services for domestic violence survivors. Tajikistan has a total of four shelters for victims of domestic violence for a population of nearly nine million people, far

short of the minimum called for in international standards. Long-term shelters for survivors and access to state-subsidized and affordable housing are badly needed.

Most counseling focuses on reconciling the survivor with her abusive partner, often sending victims back into situations where they will continue to experience severe forms of domestic violence. Despite a network of women's resource centers throughout the country, qualified psychosocial counselors are all but nonexistent and meaningful legal assistance for survivors, including capacity to represent survivors in criminal, divorce, child custody, and maintenance proceedings, or proceedings related to property division following divorce, is almost entirely absent. Even in women's centers, in many cases the focus has been on mediation of family disputes with the goal of reconciliation, not ensuring accountability for cases of serious, ongoing violence, nor on protection and service provision.

Other barriers can also keep women from seeking help or halt them in the process. Many women have little or no income of their own and rely on the support of their breadwinning, and abusive, partners. Women often fear sending an abusive partner to prison, as it would mean the loss of his income, and they and their children cannot survive without the financial support. Fathers often fail to support their children financially after a separation, and courts rarely enforce maintenance orders. The government offers no financial assistance to survivors of domestic violence, even those with dependent children. Many women stay in abusive relationships, or even try to get abusive husbands who have abandoned them to return, simply because the alternative is that they and their children go hungry. Others stay because they fear losing custody of their children, as they have little ability to seek and enforce custody through the courts.

Despite being illegal, harmful practices that are often linked to domestic violence, including polygamy, and unregistered, forced, and child marriages continue unchecked, even though the Tajik government has taken steps to raise the marriage age for men and women to 18 and ensure couples officially register their marriages with the state. A man's polygamous marriage to a second wife often precipitates abuse of the first. Patriarchal practices reinforce discriminatory gender norms.

Tajikistan's government is failing to meet its obligations under international law to protect women and girls from discrimination and family violence, including under CEDAW, which it ratified in 1993. CEDAW requires states to take a number of measures to prevent and prohibit discrimination on the basis of sex, including by private actors, so as to ensure women's full enjoyment of their human rights. The CEDAW Committee has stated that

“[f]amily violence is one of the most insidious forms of violence against women” and may be considered a violation of the convention, whether committed by state or private actors.

The CEDAW Committee has specifically called on states to combat domestic violence. It has called for implementation of laws on domestic violence, for provision of services to protect and support survivors, and training of state officials, including judicial and law enforcement personnel, to properly enforce such measures. Moreover, it clearly recommends that states establish or support services for survivors of domestic violence, including in rural or isolated areas.

Tajikistan is a lower-income country in which nearly 47 percent of the GDP comes from immigrant remittances (mostly from Tajiks working in the Russian Federation), and the poorest country to emerge from the former Soviet Union. The current economic situation remains fragile, largely owing to corruption, uneven economic reforms, and economic mismanagement. With foreign revenue precariously dependent upon remittances from migrant workers overseas and exports of aluminum and cotton, the economy is highly vulnerable to external shocks. Bearing this in mind, international aid agencies might need to offer assistance to ensure some of the needed reforms, such as providing affordable housing and other services to victims of domestic violence, are effectively implemented.

Other reforms, such as changing how police and courts respond to family violence, require shifting the attitudes of public officials, as well as the political will, at the highest level to implement and enforce the Family Violence Law. They require the government to take responsibility for training law enforcement and justice officials, and the public, on domestic violence response. The government should establish an effective mechanism for domestic violence survivors to report misconduct by law enforcement and judicial officials and hold law enforcement and justice officials accountable with real consequences when they fail to meet their duty to aid victims. Perpetrators of domestic violence, especially in particularly egregious cases, should be brought to justice. Without accountability, there will be no effective prevention.

At present, much of the leadership on this issue comes from civil society activists and nongovernmental service providers, and from international organizations and donors. While these actors have critical roles to play, domestic violence cannot be systemically tackled without full engagement and leadership from the government.

The government needs to lead the work to end domestic violence in Tajikistan. In addition to its ongoing efforts, it should, as a matter of urgency:

- Adopt or amend legislation to criminalize all forms of gender-based violence, including domestic violence, marital rape, and sexual assault within and outside marriage;
- Ensure that all reports of gender-based violence against women are duly investigated, that perpetrators are prosecuted in fair trials, and that victims have access to services, including shelters, medical and psychosocial care, legal assistance, and socioeconomic support, and to civil remedies, such as divorce and equitable distribution of property;
- Provide state-funded social housing to protect particularly vulnerable people, including survivors of domestic violence for a period of six months pending the identification of long-term solutions, and increase the number of state-funded shelters available, especially in rural areas, and where possible ensure that such shelters are run in cooperation with NGOs.

Donors including the US, European Union (EU), World Bank, and Asian Development Bank play an important role as Tajikistan's economic situation has remained dire, and Tajikistan remains a largely aid-dependent country. All of these donors and institutions can do more to urge and assist the government to improve the response to domestic violence.

The government and its partners are making positive efforts to combat domestic violence. But creating real change in the experience of victims of family violence has only begun, and there is much more that the government should do to fulfil its obligations to victims of domestic violence.

## Recommendations

### To the government of Tajikistan:

- Adopt or amend legislation to criminalize all forms of gender-based violence, including domestic violence, marital rape, and sexual assault within and outside marriage and exempt those who have been convicted of these violent crimes from benefitting from amnesties;
- Meaningfully enforce and monitor the Family Violence Law and the state program for the prevention of domestic violence for the period 2014–2023;
- Publish guidelines on implementation of the Family Violence Law that clearly define the roles and responsibilities of, and improve coordination between, government agencies responsible for implementing the Family Violence Law, such as the Committee on Women and the Family, the Ministries of Health, Justice and Internal Affairs, and the referral system for victims;
- Ensure the Committee on Women and the Family and the Ministries of Health, Justice and Internal Affairs have dedicated resources to implement the Family Violence Law.
- Ensure that law enforcement officers consistently register domestic violence complaints and duly investigate them, that perpetrators are prosecuted, and that victims have access to effective remedies, including compensation;
- Adopt pro-arrest and pro-prosecution policies towards perpetrators of domestic abuse in line with the 2014 recommendations by the UN Office on Drugs and Crime;
- Ensure effective access to free legal aid, including for court representation, as well as medical, psychological and psychosocial assistance, shelter, rehabilitation and reintegration programs, for all women and girls who are victims of domestic violence, including in rural areas;
- Provide targeted, mandatory capacity-building activities on the prevention and identification of, and the response to, all forms of gender-based violence, including domestic violence, for law enforcement and judicial officials, health and social workers, and other professionals who deal with gender-based violence and interact with victims, including in rural areas;

- Continuously raise public awareness of all forms of gender-based violence, of available services, how to access them, and of appropriate action by the authorities, including the police and domestic courts, and monitor such activities and assess their impact;
- Collect and publish data on cases of all forms of violence against women and girls disaggregated by type of violence, perpetrator, age and ethnicity of the victim, and on the number of complaints received, investigations carried out, prosecutions conducted and sentences imposed on perpetrators; and on the number of victims who have received such assistance, disaggregated by age, ethnicity, and geographical area;
- Amend existing legislation to provide that courts have discretion to rule that a survivor of domestic violence may avoid the *Vselenie* remedy, which places a woman back in the home of her former in-laws, and that will allow her to live in rented accommodation where the rent will be covered by the perpetrator;
- 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 NGOs;
- Provide access to state-funded social housing to protect particularly vulnerable people, including survivors of domestic violence pending the identification of long-term solutions;
- Meaningfully implement legislation prohibiting religious marriages without a state registration certificate, including penalties for religious officials who perform marriages without such a certificate, verification of age and express consent, in private, of both parties, and verifying that neither party is currently married, and urge religious groups and leaders to adhere to these guidelines;
- Ratify the Council of Europe (CoE) Convention on Preventing and Combatting Violence against Women and Domestic Violence.

## To Tajikistan's international partners, including international donors and institutions:

- Raise violence against women and domestic violence in Tajikistan as a key area of concern in bilateral and multilateral dialogues and urge the government of Tajikistan to address such violence through reforms in the social service, law enforcement, and judicial sectors, including effective implementation of the Family Violence Law;
- Provide financial and other support for both short and long-term shelter for survivors of domestic violence, as well as for other key services, including psychosocial counseling, medical care, and legal assistance. Ensure that services meet the needs of women and girls in both urban and rural areas and in marginalized groups;
- Provide financial and other support for the development and implementation of multi-sectoral referral systems that facilitate access to domestic violence services for survivors;
- Support and facilitate the establishment and regular gathering of national and regional networks to ensure information-sharing between agencies and individuals in different sectors of domestic violence prevention and response.
- Press the government to reject legislation that is discriminatory or limits the activities of NGOs.

## Methodology

This report is based on research conducted in Tajikistan in July and August 2015 and July and September 2016, with additional interviews with survivors and experts conducted by phone and with survivors of domestic violence in and outside of Tajikistan between August 2018 and July 2019. One male and one female Human Rights Watch researcher carried out 68 in-person interviews. Forty-seven of these were in-person interviews with survivors of domestic violence and 21 were in-person with experts, service providers, lawyers, local NGO activists, government officials, and representatives of international organizations. An additional 13 interviews (eight with survivors and five with experts) were conducted by telephone between August 2018 and July 2019, adding up to a total of 81 interviews.

Interviews with survivors of domestic violence were conducted in nearly every region of Tajikistan. For areas where Human Rights Watch researchers could not travel, arrangements were made to invite representatives to the capital, Dushanbe. The regions chosen include a mix of urban and rural locations.

The interviews with survivors of violence were conducted either in Tajik or Russian, and when in Tajik were conducted through a female interpreter. All interviewees were advised of the purpose of the research and how the information would be used. They were advised of the voluntary nature of the interview and that they could refuse to be interviewed, refuse to answer any question, and terminate the interview at any point.

The majority of interviews were recorded, with the interviewees' consent, for later reference; all interviewees were given the choice to refuse having the interview recorded. The interviews were conducted with only the interviewee, translator, and Human Rights Watch researcher present, except in a small number of cases when the interviewee's young child or children were present at the interviewee's request. All interviewees were already connected with local nongovernmental representatives who have some capacity to assist with obtaining legal, medical, and social services where needed.

Additional interviews with local officials, activists, NGO workers, and representatives of international organizations provided context and information about policy and law

relevant to family violence. Human Rights Watch visited and conducted interviews in several women's shelters and OSCE women's resource centers, among other places.

Human Rights Watch met with government officials in September 2016 from eight government agencies that are directly tasked with implementing the Family Violence Law or play a role in furthering its objectives, including the Ministry of Internal Affairs, the Women's Committee for Family Affairs, the Ministry of Health, the Prosecutor-General's office, the Ministry of Justice, the Ministry of Foreign Affairs, the Office of the Ombudsman for Human Rights, and the State Committee for Religious Affairs.

With the assistance of the Ministry of Health and Social Services, Human Rights Watch visited several Victim Support Rooms for domestic violence survivors at hospitals in Garm and Dushanbe in July 2015 and September 2016, respectively, and spoke with some physicians and survivors who have utilized them.

In May 2018 and April 2019, Human Rights Watch sent letters with follow-up questions to the above government agencies, in part seeking available data relating to the implementation of the 2013 Family Violence Law. In June 2018 and March 2019, Human Rights Watch requested additional meetings with Tajik government agencies in Dushanbe to brief them on tentative findings of this research and to further exchange views. At the time of publication, the Tajik government had not responded to Human Rights Watch's requests. However, the deputy foreign minister, several ambassadors, and high-level representatives of the presidential administration did hold a general meeting with Human Rights Watch in Warsaw in September 2018.

The names of the survivors of violence have all been changed to pseudonyms to protect their privacy. The names of the majority of police officers, service providers, activists, and other experts have also been withheld to protect their ability to continue to work in an extremely sensitive climate. In some cases, we also withheld interview locations and other identifying information upon request.

Human Rights Watch makes no statistical claims based on these interviews regarding the prevalence of domestic violence in Tajikistan. However, the research illustrates severe forms of domestic violence that persist across Tajikistan and sheds valuable light on systemic problems in the government's response. The interviews took place in a range of

settings and involved interviewees who had never had contact with one another, and yet reported similar experiences. Together with information provided by organizations and experts that serve hundreds of domestic violence survivors every year, the interviews suggest that the problems may be widespread.

This report and its recommendations focus primarily on violence against women by male partners and at the hands of mothers-in-law, and do not examine the experience of people who have survived other forms of “family violence,” including violence committed against male or same-sex partners, or children.

# I. Background

## Geographic, Social, and Economic Context

“I know what domestic violence is and know that it is against the law. But I couldn’t do anything to stop it because my husband and mother-in-law wouldn’t even let me leave the house.”<sup>1</sup>

Tajikistan is a landlocked, predominantly Muslim country in Central Asia. In the three decades since the collapse of the Soviet Union it has witnessed a profound political, economic and social transformation process that led to a drop in living standards and rising poverty, as well as a bloody civil war in the 1990s.<sup>2</sup>

Since independence, the government has taken little effective action to protect women’s basic human rights, particularly access to education and employment, which have both declined.<sup>3</sup> The past quarter century has seen the average marriage age drop, particularly for girls, although in 2011 the law increased the minimum age of marriage for girls from seventeen to eighteen.<sup>4</sup>

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<sup>1</sup> Human Rights Watch telephone interview with Guliston G., survivor of domestic violence, Dangara, August 15, 2018.

<sup>2</sup> Tajikistan: Investing in People to Reduce Poverty and Raise Living Standards, The World Bank Group, April 8, 2013, <http://www.worldbank.org/en/results/2013/04/08/tajikistan-investing-in-people-reduce-poverty-raise-living-standards> (accessed July 16, 2019); Tajikistan: Country Gender Assessment, Asian Development Bank, 2016, <https://www.adb.org/sites/default/files/institutional-document/185615/tajikistan-cga.pdf>.

<sup>3</sup> Alan J. DeYoung, Zumrad Kataeva, and Dilrabo Jonbekova, Higher Education in Tajikistan: Institutional Landscape and Key Policy Developments in J. Huisman et al. (eds.), 25 Years of Transformations of Higher Education Systems in Post-Soviet Countries, Palgrave Studies in Global Higher Education, [https://doi.org/10.1007/978-3-319-52980-6\\_14](https://doi.org/10.1007/978-3-319-52980-6_14) (accessed July 16, 2019).

<sup>4</sup> “Teenage Marriage Persists in Tajikistan: Despite law change, underage girls are still being married off in rural communities,” Institute for War and Peace Reporting, Nilufar Karimova, May 14, 2014, <https://iwpr.net/global-voices/teenage-marriage-persists-tajikistan> (accessed March 29, 2019); *see also* Alan J. DeYoung, Zumrad Kataeva, and Dilrabo Jonbekova, Higher Education in Tajikistan: Institutional Landscape and Key Policy Developments in J. Huisman et al. (eds.), 25 Years of Transformations of Higher Education Systems in Post-Soviet Countries, Palgrave Studies in Global Higher Education, [https://doi.org/10.1007/978-3-319-52980-6\\_14](https://doi.org/10.1007/978-3-319-52980-6_14) (accessed July 16, 2019). A law passed in 2010 and came into effect on January 1, 2011 amended the Family Code to raise the legal age of marriage from 17 to 18. *See* Family Code of Tajikistan, art. 13. Anyone involved in a child marriage, parents, Muslim clerics or even the bridegroom, can become a subject of administrative proceedings or can be prosecuted under articles 168 and 169 of Tajikistan’s Criminal Law, which provide for a fine of one to two thousand minimum wages, or correctional labor for up to two years, or restriction of freedom for up to five years. Another law on parental responsibility passed in 2011 means parents who let their daughters drop out of school to get married can be fined and in some extreme cases prosecuted. However, in Tajikistan, it is customary for girls to marry at 16 or even younger. A provision in the civil code still allows local authorities to permit marriage below the official minimum age in “exceptional circumstances,” a provision which experts say is abused widely.

While representatives of Tajikistan’s CWFA expressed to Human Rights Watch their desire to encourage girls not to marry prior to the age of 18, the practice of evading legal age limits through religious, not civil, marriages occur with the tacit approval of local authorities.<sup>5</sup>

Child marriage tends to limit girls’ access to education and employment outside the home. The new bride, or *arus*, occupies the lowest status rung in her new family, particularly until she produces a first child. Fundamental decisions about a young woman’s life, whether or not she will work outside the home or continue school, with whom she will socialize, and how often she will see her natal family, are made largely by her mother-in-law and father-in-law.<sup>6</sup>

A World Health Organization (WHO) multi-country study on women’s health and domestic violence found that younger women, particularly those aged 15–19 and those with lower levels of education, faced a higher risk of physical or sexual violence at the hands of a partner than older and more educated women in almost all the countries studied.<sup>7</sup> Research suggests that spousal age difference is also a risk factor associated with violence and abuse, including marital rape.<sup>8</sup>

Child marriage creates an environment that increases young brides’ vulnerability to physical, sexual, psychological, and economic abuse. Because early marriage limits young married girls’ knowledge and skills, resources, social support networks, mobility, and autonomy, they often have little power in relation to their husband or his family.

In addition, the large age gap between child brides and their spouses makes them less able to negotiate when and how sex takes place in a marriage, including safer sex and

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<sup>5</sup> Human Rights Watch meeting with representatives of CWFA, Dushanbe, September 6, 2016; Human Rights Watch interview with Shakarbek Niyatbekov, Dushanbe, August 4, 2015; Human Rights Watch telephone interview with women rights’ lawyer, Dushanbe, February 6, 2019.

<sup>6</sup> Control and Subversion: Gender Relations in Tajikistan, Colette Harris, 2004; see also CEDAW, *Concluding comments of the Committee on the Elimination of Discrimination Against Women: Tajikistan*, CEDAW/C/TJK/CO/3 at paras. 21-22 (Feb 2, 2007); “Losing Out: Barriers to Girls’ Education in Tajikistan,” Zarinam Turdieva and Maria Hellborg, August 24, 2016, <http://isdpeu/losing-barriers-girls-education-tajikistan/>.

<sup>7</sup> WHO, “Multi-country Study on Women’s Health and Domestic Violence against Women: Initial Results on Prevalence, Health Outcomes and Women’s Responses: Summary Report,” 2005, [http://www.who.int/gender/violence/who\\_multicountry\\_study/summary\\_report/summary\\_report\\_English2.pdf](http://www.who.int/gender/violence/who_multicountry_study/summary_report/summary_report_English2.pdf) (accessed July 16, 2019), p. 8. The multi-country study found that in all the countries studies, except Japan and Ethiopia, girls in this age bracket were more vulnerable to physical and sexual abuse by a partner, non-partner, or both, than older women.

<sup>8</sup> Robert Jensen and Rebecca Thornton, “Early Female Marriage in the Developing World,” *Gender and Development*, July 2003, vol. 11, no. 2, pp. 9-19.

family planning.<sup>9</sup> In Tajikistan, a married girl or woman often leaves her maternal home to live with her husband and his family. Power and authority in the home is customarily held by men and older women, and this can place young married girls at greater risk of abuse and violence.<sup>10</sup>

Strongly correlated with the trend toward earlier marriages for women in Tajikistan, women's educational attainment in the post-Soviet period has declined precipitously.<sup>11</sup> Despite compulsory primary and secondary education in Tajikistan, children from poor families, especially girls, frequently drop out before completing the currently required nine years of schooling. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO) statistics, differences start appearing in the fifth grade, at age 11, when almost 10 percent of girls are absent from school, compared to around two percent of boys. While not compulsory, this difference is magnified in upper secondary school (from age 16, 10<sup>th</sup> and 11<sup>th</sup> grades) with 48 percent of girls, compared to 30 percent of boys, not attending.<sup>12</sup>

A lower percentage of women, particularly rural women, are receiving higher education than men.<sup>13</sup> Women made up fully half of the population, and 51 percent of students enrolled in higher educational institutions in 1991. By 2016, that enrollment figure had dropped to lower than 37 percent. Less than half of girls complete secondary school and, according to United Nations (UN) statistics, about 59 percent of women work outside the home, compared with 77 percent of men.<sup>14</sup> Women's lower levels of educational attainment in Tajikistan can in some cases further reinforce patriarchal attitudes within families that diminish a woman's autonomy and control over the most important decisions affecting her and her children, and which also may enable violence against women.<sup>15</sup>

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<sup>9</sup> IPPF, "Ending Child Marriage," p. 11; Robert Jensen and Rebecca Thornton, "Early Female Marriage in the Developing World," pp. 9-19.

<sup>10</sup> ICRW, "Too Young to Wed: Education & Action Toward Ending Child," 2005, <http://www.icrw.org/files/publications/Too-Young-to-Wed-Education-and-Action-Toward-Ending-Child-Marriage.pdf> (accessed June 12, 2012), p. 11. See also, Robert Jensen and Rebecca Thornton, "Early Female Marriage in the Developing World," *Gender and Development*, pp. 9-19.

<sup>11</sup> "Losing Out: Barriers to Girls' Education in Tajikistan," Zarinam Turdieva and Maria Hellborg, August 24, 2016, <http://isdpeu/losing-barriers-girls-education-tajikistan/> (accessed on August 14, 2019).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Promote Gender Equality and Empower Women*, UNDP Tajikistan, <https://eca.unwomen.org/en/where-we-are/tajikistan> (accessed August 14, 2019).

<sup>14</sup> UN Woman: Global Database on Violence against Women <http://evaw-global-database.unwomen.org/en/countries/asia/tajikistan?formofviolence=fac5fe48636e4d3882bbd2ebbf29bd60#1> (accessed September 4, 2019).

<sup>15</sup> *Control and Subversion: Gender Relations in Tajikistan*, Colette Harris, 2004.

As elsewhere in the post-Soviet world, the economic hardship after the collapse of the Soviet Union led to disproportionate declines in women's status and well-being. Overall economic contraction in Tajikistan has led to an upsurge in unemployment; growth of women's unemployment in the state sector of the economy has been offset to some extent by rising employment in the informal sector and in agriculture. Women are increasingly concentrated in low-wage sectors of the workforce and receive lower wages than men for the same work.<sup>16</sup>

Since the economic downturn that hit the Russian economy hard in 2014 with the imposition of Western sanctions, hundreds of thousands of Tajik men who had migrated to Russia for work lost their jobs and were forced to return home.<sup>17</sup> Several domestic violence service providers and experts across Tajikistan told Human Rights Watch that the increased migration back to the country has caused a rise in financial problems in society and in individual families, which has contributed to a rise in cases of domestic violence.<sup>18</sup>

## Prevalence of Domestic Violence and Limits of Data Collection

Violence against women in Tajikistan is pervasive, although exact figures do not exist due to underreporting, the lack of a government-organized system of data collection, and a lack of disaggregated data designating the relationship of the perpetrator to the victim.<sup>19</sup> Various organizations working with women in Tajikistan track their own statistics, and Tajikistan's Ministry of Internal Affairs maintains a database breaking down certain crimes, but there is no official, centralized database that provides comprehensive statistics on levels and types of violence against women. The Statistical Agency under the Office of the President of Tajikistan maintains gender statistics, including a section on "Direction of Prevention of Violence against Women," but the data collected does not provide

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<sup>16</sup> Tajikistan: Addressing Challenges to Create More and Better Jobs, The World Bank Group, February 2017, <http://www.worldbank.org/en/country/tajikistan/publication/tajikistan-addressing-challenges-to-create-more-and-better-jobs> (accessed on August 14, 2019).

<sup>17</sup> "Central Asian migrants feel the pain of Russia's economic downturn," Reuters, December 2, 2014, <https://www.reuters.com/article/us-europe-demographics-centralasia/central-asian-migrants-feel-the-pain-of-russias-economic-downturn-idUSKCN0JG13S20141202>; International Alert, Policy Brief: March 2016, CHANGING PATTERNS OF LABOUR MIGRATION IN TAJIKISTAN, [https://www.international-alert.org/sites/default/files/Tajikistan\\_LabourMigrationPatterns\\_EN\\_2016.pdf](https://www.international-alert.org/sites/default/files/Tajikistan_LabourMigrationPatterns_EN_2016.pdf) (accessed on August 14, 2019).

<sup>18</sup> Human Rights Watch interview with women rights lawyer (Name and Affiliation Withheld), Levakant, July 22, 2015; Human Rights Watch telephone interview domestic service provider, Khujand, July 29, 2015.

<sup>19</sup> Human Rights Watch Submission on Tajikistan to the United Nations Committee on the Elimination of Discrimination against Women, 71st session of the United Nations Committee on the Elimination of Discrimination against Women, October 15, 2018 <https://www.hrw.org/news/2018/10/15/submission-tajikistan-united-nations-committee-elimination-discrimination-against>. (accessed on August 14, 2019).

information on the number of crimes of violence against women, the types of crimes, and the sentences or convictions for each type of crime.

UN Women, the UN agency that champions gender equality, drawing on statistics from the government of Tajikistan, notes that although 20 percent of married women have experienced emotional, physical or sexual violence by their husbands, only one in five victims files a report.<sup>20</sup> This figure is much lower than informal estimates provided to Human Rights Watch by activists and service providers.

A social worker at a women’s crisis center in a small town in a southern province that provides job training, counseling, and other services in the community told Human Rights Watch, “In Tajikistan, you find domestic violence with every step. There’s violence in nearly every family.”<sup>21</sup> She said that out of 15 families who had visited her center in one year seeking various social services, 11 of them were families where women had experienced severe forms of domestic violence at the hands of their intimate partners and other family members.<sup>22</sup>

According to Tajikistan’s sixth periodic report to the CEDAW Committee in 2018, a total of 1,296 complaints of abuse or violence were made to police during the five-year period since Tajikistan’s last review. The government advised that 1,036 of these complaints were investigated by district police inspectors, and 260 by inspectors for the prevention of domestic violence. Men were the alleged perpetrators in 996 complaints, and women in 296 complaints. Authorities launched 65 criminal prosecutions under various articles of the Criminal Code during this period, while the authorities declined to pursue criminal prosecutions in 1,003 cases.

At the time of Tajikistan’s CEDAW review, an additional 131 cases were still pending, and another 76 complaints were under investigation. Authorities issued 181 protocols, which can be either arrest reports, records of administrative violations, or in some cases, criminal indictments under art. 93 of the Code of Administrative Offenses, as well as another 52 under other arts. of the code.<sup>23</sup>

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<sup>20</sup> Tajikistan, UN Women, Europe and Central Asia, <http://eca.unwomen.org/en/where-we-are/tajikistan> (accessed August 14, 2019).

<sup>21</sup> Human Rights Watch interview with Muhabbat M., southern Tajikistan, July 23, 2015.

<sup>22</sup> Ibid.

<sup>23</sup> Article 93(1) (Violation of the requirements of the legislation of the Republic of Tajikistan on the prevention of domestic violence) and Article 93(2) (Violation of the requirements of a restraining order). See Sixth periodic report of the Republic of Tajikistan to the Committee on the Elimination of Discrimination against Women on implementation of the provisions of the Convention on the Elimination of all forms of Discrimination against Women, November 2, 2017, CEDAW/C/TJK/6, para. 49,

A report by the International Partnership for Human Rights (IPHR) also mentioned a 2016 study by the research organization *Tahlil va Mashvarat* (Analysis and Advice), the CWFA, and Oxfam, which interviewed 400 people across six regions of Tajikistan, and found that 97 percent of men and 72 percent of women believed that a woman must tolerate violence to keep her family together.<sup>24</sup>

Male labor migration and the legacy of Tajikistan's 1992-1997 civil war, which resulted in a minimum of 50,000 deaths, largely of men, has led to a severe gender imbalance, contributing to reported increases in the number of women entering into polygamous and forced marriages due to a dearth of males in the country.<sup>25</sup>

Despite the absence of reliable data, cases of domestic violence and its consequences make headlines, and spark public debate about the plight of women in abusive marriages. In addition, a spate of suicides among women beginning around 2017 attributed to abuse by in-laws have sparked a new round of debate in Tajik society about the plight of young women in marriages racked by domestic violence.<sup>26</sup>

One case reported in the media was the death of 18-year-old Rajabbi Hurshed in the summer of 2017. Hurshed poisoned herself just 40 days after her wedding. While recovering in the hospital, she said her husband Zafar Pirov had been beating her amid accusations that she was not a virgin, and a video of Pirov making such claims was uploaded to the internet. Hurshed later died in the hospital and authorities charged Pirov under art. 109 of the Criminal Code for incitement to suicide. Pirov was convicted and sentenced to seven years in prison.<sup>27</sup>

Another case was the murder of 21-year-old Farizai Hujanazar who committed suicide in her husband's home in February 2018. Three months pregnant and the mother of a one-

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[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/6&Lang=en) (accessed on May 13, 2019).

<sup>24</sup> *Domestic Violence in Tajikistan: Time to Right the Wrongs*, International Partnerships for Human Rights, March 2017, pp 21-23, <https://www.iphronline.org/domestic-violence-tajikistan-time-right-wrongs-20170308.html> (accessed on May 13, 2019).

<sup>25</sup> "After a Century, Public Polygamy Is Re-emerging in Tajikistan," *New York Times*, Nov. 13, 2006, <https://www.nytimes.com/2006/11/13/world/asia/13tajikistan.html>; "Tajikistan's missing men: Seasonal migration from Tajikistan to Russia is destroying families and leaving thousands to grow up without fathers," *Al Jazeera*, August 2, 2013, <https://www.aljazeera.com/programmes/101east/2013/07/201372393525174524.html> (accessed on August 14, 2019).

<sup>26</sup> "Tajik Suicides Continue Unchecked: Young women turn to desperate measures to escape domestic abuse," *Institute for War and Peace Reporting*, April 20, 2018, <https://iwpr.net/global-voices/tajik-suicides-continue-unchecked> (accessed on July 16, 2019).

<sup>27</sup> *Ibid.*

year-old child, Hujanazar had repeatedly complained to her parents that her brother-in-law and mother-in-law had subjected her to abuse in their home, where she lived with her husband following her wedding two years earlier.<sup>28</sup> Authorities investigated, charging Hujanazar's brother-in-law and mother-in-law with incitement to suicide and an investigation was conducted, but Human Rights Watch was unable to confirm if the case proceeded to trial or resulted in a conviction.

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<sup>28</sup> Ibid.

## II. The Family Violence Law: A Step Forward

### Tajik Domestic Legal Framework Prior to the Family Violence Law

Tajikistan’s Constitution, adopted in November 1994, provides for equal rights between men and women and equal rights to spouses in the case of divorce.<sup>29</sup> In 2005, Tajikistan passed a Law on State Guarantees of Equal Rights and Opportunities for Men and Women and Equal Opportunities in the Exercise of Such Rights, which mandates the equality of men and women in social, political, cultural, and other spheres, and the prevention of discrimination between men and women.<sup>30</sup> In December 2006, Tajikistan tasked the CWFA as a central executive body with the mandate to carry out “the function of the state policy to protect and ensure the rights and interests of women and families, create equal conditions for the exercise of their rights and interests and achieve gender equality.”<sup>31</sup>

In 2003, activists formed a working group to push for the adoption of a specific domestic violence law. It took over a decade to bring a draft law to fruition, largely due to resistance from government officials. Some officials argued there was no need for a separate domestic violence law, claiming that victims of abuse already possessed adequate protections under the Criminal Code to press charges for crimes like assault and battery. However, in 2007, the CEDAW Committee noted its concern with Tajikistan’s “resurgence of patriarchal attitudes subordinating women and of strong stereotypes regarding their roles and responsibilities in the family and society” and urged Tajikistan to prioritize elimination of all forms of violence against women, particularly domestic violence, and to enact the draft domestic violence law.<sup>32</sup>

Activists won a major victory in March 2013, when the Tajik Parliament passed the Family Violence Law<sup>33</sup>. As is clear from the law’s title, its focus is on prevention, rather than

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<sup>29</sup> Constitution of the Republic of Tajikistan, arts. 17 and 33.

<sup>30</sup> Law on State Guarantees of Equal Rights and Opportunities for Men and Women and Equal Opportunities in the Exercise of Such Rights, No. 89 (Mar. 1, 2005); Government of the Republic of Tajikistan, State Program to Prevent Domestic Violence in the Rep. of Tajikistan 2014-2023, adopted on the basis of government order No. 294 (Mar. 3, 2014).

<sup>31</sup> Government of the Republic of Tajikistan Decision. No. 608, Situation: The CWFA under the Government of the Republic of Tajikistan, at para. 1 (Dec. 28, 2006).

<sup>32</sup> CEDAW Committee, *Concluding comments of the Committee on the Elimination of Discrimination Against Women: Tajikistan*, CEDAW/C/TJK/CO/3 at paras. 19, 22 (Feb 2, 2007).

<sup>33</sup> Law on the Prevention Against Family Violence (Family Violence Law), No. 954, March 2013.

protection or prosecution. The law does not criminalize domestic violence. To press charges against a perpetrator, a woman must use articles in the Tajik Criminal Code such as those on battery and intentional infliction of harm to one's health.

The Family Violence Law defines different types of domestic violence, including physical, psychological, sexual, and economic violence.<sup>34</sup> The law outlines the rights of victims of violence to receive medical, psychological, and social assistance, access legal advice, support centers, medical care and centers for rehabilitation, seek protection from local administrative bodies, such as the village council, for reprimand of the perpetrator, and seek protection from law enforcement agencies, the prosecutor's office, or the court to hold the perpetrator accountable for committing violence.<sup>35</sup> The law specifically outlines the procedures under which an abuser can be detained or fined for the commission of domestic violence, be deprived of parental rights due to domestic violence, or be issued and given instructions to comply with a protective order.<sup>36</sup>

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<sup>34</sup> Under the Family Violence Law, domestic violence is defined as the intentional and unlawful act of physical, mental, sexual or economic abuse committed within the family/household by a spouse or a family member towards a spouse or family member. The victim is a person who suffers from physical pain or injury to his/her health or experiences a threat causing such harm, and ultimately has his/her human rights and freedom violated. The different types or categories of domestic violence include physical violence (the intentional and wrongful act of physical force committed by one family member against another family member, which causes physical pain or harm to his/her health); psychological violence (intentional psychological pressure, humiliation of honor and dignity of a family member by another family member through threats, harassment, intimidation or coercion to commit offenses or acts that are dangerous to life and health, as well as lead to poor mental, physical or personal development); sexual violence (the intentional and wrongful act committed by one family member against another family member, infringing upon sexual inviolability and sexual freedom of the person, as well as sexual assault, committed against a minor member of the family); economic violence (the intentional and wrongful act by one family member against another member of the family for the purpose of depriving them of shelter, food, clothing, property or funds for which the victim was provided for by the legislation of the Republic of Tajikistan law. This act can cause a violation of physical or mental health or lead to other adverse conditions), Family Violence Law, arts. 1.

<sup>35</sup> While the Family Violence Law does not precisely define the term "centers for rehabilitation" [*tsestry reabilitatsii*], experts explained that this is an alternate term for the victim support rooms which are located in hospitals, where victims of domestic violence can seek immediate medical attention. The term "rehabilitation," appearing widely in post-Soviet legal systems, refers not to criminal rehabilitation but the sense of regaining wellness and healing. Family Violence Law, art. 6.

<sup>36</sup> Under the Family Violence Law, an abuser will be prosecuted and face jail time or an administered detention and or pay a fine of US\$16-40 depending on the act of domestic violence. The abuser may have their parental rights deprived, as well as guardianship, or face a cancellation of an adoption. He or she is required to have an educational talk about preventing future domestic violence as well as the consequences of it. The abuser will be given a protective order. A protective order is given to the abuser of domestic violence within the first 24 hours of the act of domestic violence or the reporting of such an act. It is issued for up to 15 days, in some rare cases 30 days maximum... A violation of a protective order results in fines of approximately US\$40-80 or administrative arrest for the period of 5-15 days. While under the protective order, the abuser is prohibited of any kind of violence against the victim as well as the use of alcohol and intoxicating substances for the duration of the protective regulations. The protective order may be appealed in court. The complaint shall be considered within three days.

Under the law, the bodies responsible for preventing family violence include national as well as local administrative and government bodies on women and family affairs, commissions for child welfare, law enforcement agencies, educational institutions, health institutions, social protection agencies, local administrations, women’s support centers, and medical and social rehabilitation centers for victims of violence. The law provides that agencies responsible for preventing family violence may conduct disciplinary conversations with perpetrators and victims of violence to identify the causes and circumstances of the violence, explain social and legal consequences of future violence, and “strengthen family ties,” placing a stronger emphasis on keeping the family unit together than protection for victims.<sup>37</sup>

After registering a case of violence with the authorities, victims of violence can obtain a protection order from law enforcement agencies, among other remedies.<sup>38</sup>

## Implementation of the Family Violence Law

Some of the more notable positive aspects of the Family Violence Law and the government’s efforts to implement it include staffing several police stations with officers who have undergone specific gender-sensitive and domestic violence training, the establishment of victim support centers in hospitals, and a telephone hotline for victims of violence.<sup>39</sup>

Another positive initiative associated with the Family Violence Law is its requirement that the government engage mullahs and other religious figures in educational and training programs across Tajikistan to prevent and reduce domestic violence. Various government agencies, international organizations, and activists have supported this effort. But a central role has been played by Tajikistan’s State Committee for Religious Affairs, which regulates the conduct of mullahs, who are employed by the state.<sup>40</sup>

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<sup>37</sup> CEDAW Committee, *Concluding observations on the combined 4<sup>th</sup> and 5<sup>th</sup> periodic reports of Tajikistan*, (Oct. 29, 2013) [hereinafter CEDAW 2013 Concluding Observations].

<sup>38</sup> Family Violence Law, arts. 18-19, 21. Other individual remedies include: referring an individual who has committed family violence to law enforcement; taking administrative custody of an offender; depriving an offender of parental rights; and placing a victim in a support center or medical and social rehabilitation center.

<sup>39</sup> The number for the domestic violence hotline is 1313.

<sup>40</sup> Human Rights Watch interview with a representative of Tajikistan’s State Committee for Religious Affairs, Dushanbe, September 10, 2016.

Several service providers pointed to the importance of mullahs explaining to men that Islam does not condone domestic violence. “We employ a mullah who explains the law from the perspective of the Koran and the role of women in Islam,” said Farishtamoh F., the representative of a women’s crisis center, which leads periodic trainings in the community on the Family Violence Law. “Men react well to these kinds of lectures.”<sup>41</sup>

An activist who runs an anti-trafficking organization that also advocates on issues of domestic violence told Human Rights Watch that educating the local population about domestic violence with the participation of respected local community religious leaders sometimes proves effective. “Many men in our community are religious and therefore they respect and listen to the mullah. We gather groups of 15-20 men for seminars, the presence of the mullah in the group builds trust. The mullah discusses the role of women in Islam and in society, and the importance of registering marriages officially with the state.”<sup>42</sup> Registering marriages makes it easier for women to enforce their rights, for example to marital property, alimony, or child support, in the event of divorce, as without registration, their marriage is not recognized by the state.

A representative of a women’s crisis center in southern Tajikistan explained that mullahs are particularly important in explaining to men that they cannot divorce their wives simply by sending a text message with the words “taloq, taloq, taloq,” a phenomenon which became widely associated with large numbers of Tajik migrant laborers in Russia who often leave Tajikistan for many years and abandon their families.<sup>43</sup> This phenomenon of “SMS” divorce was a relevant factor in the passage of the Family Violence Law.<sup>44</sup>

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<sup>41</sup> Interview with Farishtamoh F., representative of women’s crisis center, Bokhtar, Tajikistan, July 22, 2015.

<sup>42</sup> Human Rights Watch interview with director of prominent women’s rights NGO that focuses on trafficking and domestic violence, Dushanbe, July 17, 2015.

<sup>43</sup> Human Rights Watch interview with Shamsiya S., Representative of NGO Hamroz, Levakant, July 22, 2015.

<sup>44</sup> See “‘SMS Divorces’ Cut Tajik Migrants’ Matrimonial Ties To Home,” Radio Free Europe/Radio Liberty, December 6, 2009, [https://www.rferl.org/a/SMS\\_Divorces\\_Cut\\_Tajik/1896511.html](https://www.rferl.org/a/SMS_Divorces_Cut_Tajik/1896511.html) (accessed on August 14, 2019). Although neither marriages based only on a religious ceremony nor divorces based on uttering or texting the term “taloq” are recognized as legal under Tajik law, the practice was widespread for many years until the government started taking measures to inform the public that this method of divorce was unacceptable. This practice is not only discriminatory to women, who are not understood to have the same ability to orally divorce their husbands, but may contribute to women’s sense of dependence on their husbands and inability to escape abuse. It can also place women in the position of becoming a de facto divorcee having had no opportunity to seek the assistance of a court in claiming alimony, marital property, or child support or custody.

### III. Critical Gaps in the Family Violence Law and Weak Implementation

The adoption of the Family Violence Law was a positive step in the effort to prevent and combat domestic violence in Tajikistan. However, critical gaps in the law continue to hamper access to protection, services, and justice for survivors of domestic violence such as the failure to adopt legislation criminalizing domestic violence, marital rape, and sexual assault within and outside marriage, the lack of a more explicit and sufficiently broad definition of family that protects all victims of domestic violence, and ambiguity about coordination among and responsibilities of government agencies in implementing the law.

The CEDAW Committee has detailed these and other critical shortcomings of the Law and the overall state response to domestic violence in its reviews. While praising Tajikistan for its adoption of the law, the CEDAW Committee also outlined several areas of concern in 2013 including women’s lack of awareness of their rights, which particularly affects women in rural and remote areas.<sup>45</sup> The Committee remained concerned 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 in society” pointing out “that such stereotypes contribute to the persistence of violence against women, the practice of child marriage and de facto polygamy and result in the disadvantaged and unequal status of women in many areas.”<sup>46</sup>

During its 2018 review, the committee also noted the lack of criminalization of “domestic violence, marital rape and sexual assault,” the lack of a specific definition of family, and ambiguity about the coordination among government agencies in implementing the law and its various aspects.<sup>47</sup>

The committee stated its concern that “[t]here is no comprehensive strategy to combat all forms of gender-based violence against women and girls,” and called out the “systemic

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<sup>45</sup> CEDAW, *Concluding observations on the combined 4<sup>th</sup> and 5<sup>th</sup> periodic reports of Tajikistan*, at para. 7 (Oct. 18, 2013).

<sup>46</sup> *Ibid.*, at para. 15 (Oct. 18, 2013).

<sup>47</sup> CEDAW, *Concluding observations on the 6<sup>th</sup> periodic report of Tajikistan*,

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En), pp. 25, 26 (Nov. 14, 2018).

impunity for perpetrators of gender-based violence against women, as illustrated by the low number of prosecutions and convictions, the reports of police complicity, the focus on reconciliation and the failure to protect the confidentiality of victims.” It further criticized the “inadequate support services for women and girls who are victims of gender-based violence,” the lack of “systematic monitoring of cases of gender-based violence... and... statistical data on such cases.”<sup>48</sup>

Another shortcoming of the law is that it does not ensure access to long-term shelters for women facing violence.

### Limited Definition of “Family”

The Family Violence Law does not define the term “family,” leaving open the question of what relationships the law covers. The confusion is compounded by the fact that no other provision in Tajik law defines “family,” even Tajikistan’s Family Code. Tajik authorities should ensure that a comprehensive definition of “family” is included in the law, in accordance with earlier drafts of the law, which explicitly include: marriages officially registered with the state, religious marriages performed in *nikoh* ceremonies and not registered with the state, relationships among cohabiting partners or spouses, and polygamous marriages. The law should also include non-cohabiting current or former partners, spouses, relatives and should explicitly protect women who experience violence at the hands of their in-laws, as well as former family members who commit or threaten violence after divorce.

### Failure to Criminalize Domestic Violence

An oft-noted shortcoming of Tajik law, whether through the Family Violence Law or other legislation, is that it does not explicitly recognize domestic violence as a distinct crime punishable under the law. Nowhere in Tajik law, including Tajikistan’s Criminal Code, is domestic violence criminalized as a specific crime.

The Family Violence Law places an emphasis on prevention and provides merely for administrative punishment, such as fines and administrative custody for the perpetrator.<sup>49</sup>

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<sup>48</sup> Ibid.

<sup>49</sup> Family Violence Law, art. 22.

Exhibiting a bias for reconciliation, the law provides for “disciplinary conversations” with perpetrators and victims of violence to identify the causes and circumstances of the violence and explain social and legal consequences of future violence.<sup>50</sup> The CEDAW Committee has reiterated that all violence against women, including domestic violence, should be criminalized, and has urged Tajikistan to amend its legislation.<sup>51</sup>

Opponents of criminalizing domestic violence argue that it is unnecessary because the Tajik Criminal Code offers sufficient protection to victims. Relevant provisions of the Criminal Code, for example, include intentional infliction of major bodily harm, minor bodily harm, or bodily harm to a lesser degree.<sup>52</sup> In the course of this research, Human Rights Watch interviewed several lawyers who are representing victims of domestic violence and attempting to hold abusers accountable under other applicable provisions of Tajikistan’s Criminal Code.

While these other crimes would cover some instances of domestic violence, a conviction requires evidence that a victim has sustained physical injuries. Therefore, the Criminal Code provides no recourse if a physical injury is no longer detectable or in instances of psychological or economic violence, such as when a husband or a wife’s in-laws withhold or deprive a woman of money or property in an attempt to control her movements and behavior.

In some cases, survivors of domestic violence told Human Rights Watch that their husbands, mothers-in-law, and other relatives actively prevented them from leaving the house following episodes of abuse until their wounds were no longer visible. “He often beat me up, but I never told my own parents because my in-laws would not allow it,” said Nargis N., a 26-year-old woman from southern Tajikistan who endured three years of intimate partner domestic violence. “When I had bruises on my face, my mother-in-law would make me stay home. She would say, ‘He must beat you up a lot because he really loves you.’”<sup>53</sup>

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<sup>50</sup> Family Violence Law, art. 20(1). Such “disciplinary conversations” can be led by law enforcement officers or local representatives of the Committee for Women and Family Affairs.

<sup>51</sup> “Breaking Barriers: Challenges to Implementing Laws on Violence Against Women in Afghanistan and Tajikistan with special consideration of displaced women,” p. 69, <https://cgrs.uchastings.edu/Breaking-Barriers> (accessed on August 14, 2019).

<sup>52</sup> Tajik. Crim. Code, arts. 110-112.

<sup>53</sup> Interview with Nargis N., Khurasan, Khatlon province, July 23, 2015.

Another major shortcoming of the Family Violence Law and other related legislation is that they do not criminalize spousal rape. Spousal rape is rarely reported in Tajikistan due to social stigma, yet interviewees and advocates told Human Rights Watch that perpetrators of sexual violence are overwhelmingly a woman's current or former partner.

Criminalization of domestic violence is crucial to overcoming patriarchal norms and recognizing the seriousness of intra-familial violence, including beatings, rapes, humiliation, deprivation of food and property, and other acts of physical, mental, sexual, and economic violence, which disproportionately affect women.

Unless the Tajik government amends the Family Violence Law to specifically criminalize domestic violence, victims of abuse will have to pursue criminal prosecutions through other provisions of the Tajik Criminal Code.

#### **Madina M.'s Story: Raped, Beaten with a Stool and Fireplace Poker<sup>54</sup>**

In September 2013, after Madina M. turned 18, her parents arranged her marriage with Sheroz S., a man from a nearby village in Sughd province in northern Tajikistan. Following the wedding, in keeping with Tajik custom, she moved into his parent's home. Everything was fine at first, but things began to change dramatically when her husband's father left for Russia for seasonal work. Sheroz would find various reasons to swear at her and beat her with his fists, and categorically forbade her from communicating with her own parents. Occasionally, Sheroz would rape her after the beatings.

When Madina's father called to wish her a happy birthday, Sheroz beat her, screaming, "Why is he calling on my phone? You're a married woman now. He should not be calling!" The next morning, Sheroz told Madina that he wanted a divorce and brought her back to her parents' home.

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<sup>54</sup> Human Rights Watch interview with Madina M., Isfara, July 31, 2015.

Madina's family sought to reconcile the couple, seeking to avoid the shame and stigma that comes with divorce. They assured her everything would be alright and pressured her to ask her husband's forgiveness. Madina returned to Sheroz's parents' house. But soon Sheroz began beating Madina again, almost every day, blaming various bogus provocations such as that an object had been left in the wrong place.

After Madina's sister gave birth, she went to congratulate her at the hospital and put on a *tyubeteika*, a traditional Central Asian ceremonial hat worn for special occasions. Sheroz happened to be driving by, saw her in the *tyubeteika* and stopped the car, accusing her of wearing something too flashy without his permission.

The *tyubeteika* became yet another reason to beat her that night, which was followed by threats to throw her out of the house at nighttime. Sheroz's mother also reprimanded Madina for wearing the *tyubeteika* and demanded that she take her belongings and leave the house. Madina left temporarily, without taking her things. When she returned to the house Madina found Sheroz there, angrily shouting that she had left all her things in the house.

Sheroz grabbed a wooden stool and struck Madina with it on her head 10 times. Madina's head began to ache and she became nauseous. Sheroz accused her of faking her symptoms and started to beat her on the legs with a fireplace poker [кочерга] that was lying nearby.

Later, Madina got up to go to the kitchen, but walked only a few steps before fainting. Her in-laws took her to the city hospital where she stayed a few weeks until reluctantly agreeing to return to her in-law's home amid promises from Sheroz that he would not beat her anymore. Soon after she returned home, however, Sheroz resumed the abuse, including beatings with a stool and repeatedly slamming Madina's head into the wall. The following February 2014, he beat her in the abdomen with a stool until she lost consciousness. At the hospital, an operation revealed that Madina's left ovary had burst as a result of

the beating. Madina's mother-in-law unsuccessfully tried to convince the doctors that Madina's injury came about after she slipped and fell down the stairs. Madina was kept in the hospital for 10 days.

Madina said she knew she would eventually be killed if she stayed in the marriage and so she consulted a local attorney who filed an official complaint about the beatings with the Sughd regional office of the Prosecutor General. Neighbors, relatives, and people in the community pressured Madina not to press charges, telling her that she was to blame for the family's problems. Their logic echoed the one so often recounted by domestic violence survivors in Tajikistan: if the husband beats his wife, she must have done something to "deserve" it. But the loss of her ovary convinced Madina that she must pursue the case.

After an investigation, authorities charged Sheroz with torture under art. 117(2) of Tajikistan's Criminal Code. The couple divorced. Following a trial, Sheroz was sentenced to three years imprisonment, but an amnesty from the government reduced the sentence by one year.<sup>55</sup>

Madina is now back at her parents' home, struggling to earn a living. She dreams of pursuing a career as a lawyer. Based on interviews with experts and attorneys across the country and reviews of media reports, Madina's case is one of fewer than 10 cases Human Rights Watch has learned of in which the perpetrator of violence was held accountable and convicted for his crime under the Criminal Code. Criminal prosecutions of the perpetrators of domestic violence in Tajikistan are exceedingly rare.<sup>56</sup>

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<sup>55</sup> The Constitution bestows the power on the President to issue an amnesty for various categories of prisoners, detainees, and other defendants in the criminal justice system on a periodic basis. President Rahmon's administration has utilized this power on at least a yearly basis and sometimes more frequently.

<sup>56</sup> Human Rights Watch telephone interview with women's rights lawyer, Dushanbe, December 17, 2018; Human Rights Watch telephone interview with NGO representative, Isfara, December 18, 2018. In addition, at time of writing, the Tajik government had not responded to several requests by Human Rights Watch seeking information on the number of prosecutions of perpetrators of domestic violence since the law was passed in 2013.

## Weak Coordination and Implementation Among Government Agencies

In 2018, the CEDAW Committee stated its concern with the fact that Tajikistan’s government has “no comprehensive strategy to combat all forms of gender-based violence against women and girls.”<sup>57</sup> In 2014, Tajik authorities introduced a “State Program to Prevent Domestic Violence 2014-2023” as well as an Action Plan to implement the State Program to enforce the Family Violence Law. These initiatives were intended to strengthen the mechanisms for preventing domestic violence and assign clear roles and responsibilities to the government agencies responsible for carrying out the Family Violence Law.

But coordination between relevant ministries and agencies remains weak. Implementation of the law is hampered by a lack of clear instructions, understanding of the law, and budget allocation for government agencies to fulfill their obligations to implement the law.

“The key problem is the lack of financial means to implement its [the Law’s] provisions,” Shakarbek Niyatbekov, a specialist on domestic violence in Tajikistan, told Human Rights Watch. “As written, the Family Violence Law envisions at least five government agencies working to implement it. But these agencies receive no additional budgets to do this.”<sup>58</sup>

In practice, various international organizations in Tajikistan such as the Swiss Agency for Development and Cooperation, the Organization for Security and Co-operation in Europe (OSCE), the United Nations Development Program (UNDP), and the Prevention of Domestic Violence project fill in critical gaps.

Moreover, communication among key bodies implementing the Family Violence Law remains weak, one of the key complaints made by experts and advocates. “There must be clear mechanisms for coordinating this work, financing this work, and monitoring the follow-up implementation,” said Niyatbekov.<sup>59</sup>

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<sup>57</sup> CEDAW, Concluding observations on the 6th periodic report of Tajikistan, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En), p. 25 (Nov. 14, 2018).

<sup>58</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, domestic violence expert, Swiss Agency for Development and Cooperation, July 18, 2019 and in-person, Dushanbe, August 4, 2015.

<sup>59</sup> Ibid.

Echoing Niyatbekov's comments, a representative of another international organization that runs programs in Tajikistan to prevent domestic violence said that while the government has made efforts in recent years to clarify the roles played by respective ministries implementing the law, "there is a sense that the stronger government agencies, such as the Ministry of Internal Affairs, do not always feel compelled to provide other agencies who carry out the Law with the essential data on issuance of protective orders or arrests that would help to assess the levels of domestic violence in the country and the gaps in protection, prevention, and services."<sup>60</sup>

Under the Family Violence Law, the CWFA is formally the lead agency tasked with coordinating other agencies to implement the law's provisions. But it only holds the status of a committee rather than a full-fledged ministry, making it hard within Tajikistan's hierarchical government to effectively oversee the activities of other ministries, such as the Ministry of Internal Affairs.

Various activists and experts suggested that the committee be elevated to the status of a ministry to allow it to more effectively implement the Family Violence Law. As one official at the CWFA told Human Rights Watch, "The Committee on Women and Family Affairs should in theory receive regular status reports from all parts of the government working on the Family Violence Law. But the Committee is drastically underfunded compared to actual ministries."<sup>61</sup>

The lack of coordination exacerbates inconsistent data collection on domestic violence and implementation of the Family Violence Law, making it virtually impossible to assess the government's effectiveness in combatting domestic violence.

Niyatbekov continued, "the original idea [of the law] was that the Women's Committee would be empowered to consistently collect data about the prevalence of domestic violence in order to effectively advise all other government agencies and ministries on how they can more effectively implement their areas of responsibility and combat domestic

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<sup>60</sup> Human Rights Watch telephone interview with unnamed representative of international organization that runs domestic violence prevention program in Tajikistan, Dushanbe, May 4, 2019.

<sup>61</sup> Human Rights Watch interview with government official, CWFA, Dushanbe, September 10, 2016.

violence.”<sup>62</sup> But six years into the law’s implementation, Niyatbekov said, “there is still no mechanism, such as a database, that would allow the Women’s Committee to analyze statistical information and thus perform this task. A coordination council has been established in recent years, which means the various ministries under the law are communicating more effectively. But they lack the budgetary means to support their work and the absence of real monitoring means that most estimates of domestic violence around the country are purely anecdotal. How can Tajikistan expect to fight domestic violence if a) it is still not defined as a crime under our law, and b) there’s no data collection and system for measuring that data?”<sup>63</sup>

Authorities should amend the Family Violence Law to appoint a clear focal point for its implementation at a ministerial level. In addition, the government should issue a decree appointing an agency, preferably the CWFA, that will be responsible for the systematic collection and analysis of statistical information regarding the Family Violence Law’s implementation. The decree should provide clear guidance on roles and responsibilities of various ministries in implementing the law.

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<sup>62</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, domestic violence expert, Swiss Agency for Development and Cooperation, July 18, 2019.

<sup>63</sup> Ibid.

## IV. Barriers to Services, Protection, and Justice

“The mentality that reigns supreme in Tajikistan is that what happens inside the home should stay in the home and that a woman should accept her fate. Women don’t know their rights, nor what constitutes acceptable treatment toward them at home.”

– Women rights lawyer in Isfara, Tajikistan.<sup>64</sup>

In addition to critical gaps in the Family Violence Law, survivors of domestic violence face daunting obstacles to seeking services, protection, and justice. Survivors, service providers, and other advocates interviewed by Human Rights Watch described a range of barriers, including lack of information, unavailability of quality services, insufficient government presence, a shortage of shelters and crisis centers, pressure to engage in mediation, and lack of legal representation. Survivors also described police failings and complicity in domestic violence. Activists and survivors told Human Rights Watch that harmful practices, including polygamy and forced, child, and unregistered marriages, fuel violence and impede survivors from getting help. Many of the survivors Human Rights Watch interviewed were constrained by economic dependence on their abuser, and fears that fleeing their abusers would result in harm to their children or loss of custody of their children. Another core problem activists and experts identified with the Family Violence Law was weak coordination among the various government bodies who have been tasked with implementing it.

### Lack of Information and Awareness

Survivors of domestic violence, service providers, and experts in Tajikistan had mixed views about whether information about the Family Violence Law and about services, protection, and justice is reaching those who need it. Some say awareness is growing, in part because of the publicity surrounding the law’s adoption, and that this is a deterrent to violence.

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<sup>64</sup> Human Rights Watch interview with women’s rights lawyer, Isfara, July 31, 2015.

One lawyer who handles domestic violence cases said, “The 2013 [Family Violence] Law has already had a positive impact in the sense that perpetrators are now scared.”<sup>65</sup> She added that “there’s more awareness because the government made a law and the law is good on paper. But the government lacks the financial means and will to properly implement it.”<sup>66</sup>

But many say that the government should put far more effort into raising awareness and providing information. Lack of awareness of women’s rights and persisting patriarchal norms are chief among the impediments to women reporting violence in Tajikistan and hinder effective implementation of the Family Violence Law.

As Holida H. told Human Rights Watch regarding her own experience of domestic violence, “I did not go to the authorities to complain about what he had done. My husband beat me all the time, but almost always after his mother had directed him to do it. All the people in the village knew what was happening and did nothing.”<sup>67</sup>

Service providers echoed what some survivors told Human Rights Watch: that the Family Violence Law is not welcomed or well understood by large segments of the population, including among some government officials tasked with implementing it.<sup>68</sup> The male-dominant culture prevents women, particularly those who live in remote areas, from accessing information about the Family Violence Law, much less reporting the violence they are experiencing.<sup>69</sup>

In conjunction with NGOs, including the project on the Prevention of Domestic Violence (PDV), the United Nations Population Fund (UNFPA), UN Women, Oxfam, Helvetas, and the Taekwondo Association, the government has designed and broadcast public service

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<sup>65</sup> Human Rights Watch interview with domestic violence lawyer, Dushanbe, July 17, 2015.

<sup>66</sup> Human Rights Watch interview with domestic violence lawyer, Dushanbe, July 17, 2015. The observation that the 2013 Law is very good on its face and includes very important aspects, but that more effective implementation and budgetary support for the relevant government agencies responsible for the Law was echoed in a more recent conversation with the OSCE Program Office Gender Unit in Dushanbe. Human Rights Watch telephone interview with OSCE Program Office Gender Unit, Dushanbe, March 25, 2019.

<sup>67</sup> Human Rights Watch telephone interview with Holida H., survivor of domestic violence, village near Bokhtar, March 9, 2019.

<sup>68</sup> Human Rights Watch phone interview with representative of women’s crisis center in southeastern Tajikistan, September 28, 2018.

<sup>69</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, domestic violence expert, Swiss Agency for Development and Cooperation, July 18, 2019.

announcements and feature films, and has published brochures promoting gender equality including through observance of the rights of women and children in the family, prevention of domestic violence, opposition to early marriages, and the compulsory state registration of marriages.<sup>70</sup>

However, experts and survivors of domestic abuse told Human Rights Watch that even where services for survivors do exist, people are often unaware of the available resources.<sup>71</sup> Several survivors said they found their way to help through chance encounters, through a conversation at the bazaar, for example, or thanks to the help of someone they randomly encountered at a wedding.

Gulnoza G., living in the northern Tajik town of Penjikent, told Human Rights Watch that she had experienced serious physical abuse at the hands of her husband since their 2015 marriage, in which she became his second wife. Her marriage with her husband was never officially registered with the state, limiting her right to seek alimony, child support, and marital property.<sup>72</sup> “I lived in the same house with him and his first wife and her child,” Gulnoza said. “He promised to build a separate house for us to live in with the two children I bore for him, but in reality he treated me like a slave, often denying me food and proper clothing.”<sup>73</sup>

Following a beating that Gulnoza said left her arm broken and nearly killed her in 2015, she desperately searched for places to go for help, but did not find information in her local community about shelters or organizations that could help her. “I managed to come across a cousin at a wedding who told me about *Femida*, an organization in Dushanbe,” Gulnoza said. “After my husband’s relatives threatened to shoot me if I disobeyed him again, I escaped to Dushanbe. But I was unable to take my son with me.”<sup>74</sup>

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<sup>70</sup> Sixth periodic report of the Republic of Tajikistan to the Committee on the Elimination of Discrimination against Women on implementation of the provisions of the Convention on the Elimination of all forms of Discrimination against Women, CEDAW/C/TJK/6, para. 38, November 2, 2017.

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/6&Lang=en).

<sup>71</sup> Human Rights Watch phone interview with representative of women’s crisis center in southeastern Tajikistan, September 28, 2018; Human Rights Watch interview with Sayidali R., representative of women’s crisis center in northern Tajikistan, Dushanbe, July 22, 2015; Human Rights Watch interview with service provider Viktoriya V., July 20, 2015; Human Rights Watch telephone interview with Dushanbe NGO representative, Dushanbe, February 6, 2019.

<sup>72</sup> Human Rights Watch interview with Gulnoza G., Dushanbe, July 21, 2015.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

Lack of awareness of the Family Violence Law and related services is particularly acute in rural areas. A service provider in the isolated and mountainous Rasht valley told Human Rights Watch, “We are located in a vacuum. Almost no one has access to the internet in our region, which contributes to a lack of awareness. In addition, almost everyone I know has the mentality that it is improper to complain to anyone outside the family about such a private matter.”<sup>75</sup>

Another service provider in Khorog, located in the southeastern autonomous region of Gorno-Badakhshan, told Human Rights Watch, “In villages, people do not have enough information about the law against domestic violence to know their rights and to what they are entitled... Women only tend to recognize domestic violence as physical, not psychological abuse.”<sup>76</sup>

“In Tajik society, people simply do not know about the law, so they do not seek help from the police and prosecutor’s office,” said Shamsiya S., a representative of the NGO *Hamroz* in southern Tajikistan.<sup>77</sup>

The problem is not only limited to rural areas, however. Even in Dushanbe, the capital, and in the country’s second city of Khujand, in northern Tajikistan, Human Rights Watch interviewed several women who reached help only through coincidence, luck, or the kindness of strangers.

Beginning in 2004, Adolat A. and her five daughters lived through years of physical and psychological abuse by her husband, Rasul R., in their home just minutes from the seat of parliament in the center of Dushanbe. “My husband believed that to be a devout Muslim meant that none of the women could leave the house, or even go to school,” Adolat said. “He beat all of us, raped me, and would sometimes molest my daughters.”<sup>78</sup> Adolat tried to flee from her husband on several occasions but returned when he would cajole or pressure

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<sup>75</sup> Human Rights Watch interview with Sayidali R., representative of women’s crisis center in northern Tajikistan, Dushanbe, July 22, 2015.

<sup>76</sup> Human Rights Watch phone interview with representative of women’s crisis center in southeastern Tajikistan, September 28, 2018.

<sup>77</sup> Human Rights Watch interview with representative of local NGO that provides counseling and other assistance to survivors of domestic violence, Levakant, July 22, 2015; *See also* Human Rights Watch phone interview with representative of women’s crisis center in southeastern Tajikistan, September 28, 2018.

<sup>78</sup> Human Rights Watch interview with Adolat A., Dushanbe, July 25, 2015.

her, swearing he would stop his abuse. “Even though I lived in the center of the capital, I still felt as though I was living in a virtual prison, because the outer gates of the house were where my world ended.”<sup>79</sup>

Adolat’s state of mind grew worse in 2012, when Rasul forced the couple’s 13-year-old daughter to marry one of his devoutly religious friends, who worked as a mullah, in a religious ceremony that was not registered with the state.

“For three years, I watched my 13-year-old be married to this man, who raped her regularly,” Adolat said. “She would escape back to our house and threaten to kill herself with a knife. I called the police, who arrested him for a time, but eventually let him go under an amnesty.”<sup>80</sup>

Finally, in 2015, Adolat was walking by the office of the League of Women Lawyers, an organization in Dushanbe which provides legal representation to domestic violence survivors and other services for women. “I just happened to see their office and thought, ‘Maybe they can help me.’” The League of Women Lawyers helped represent Adolat in her divorce and alimony proceedings. They have also helped her to pursue criminal charges against her former husband for polygamy, rape, molestation, and other crimes.

Lack of information about shelter and other services can prolong exposure to violence. “In my village, women do not have enough information about the law [on domestic violence] to know what our rights are and what we are entitled to,” said Rayhona R.<sup>81</sup>

A survivor of domestic violence, Rayhona fled her home several times after fights with her abusive husband’s second wife. On several occasions she moved back in with her parents but could not stay because there were too many people living in the household now that her brothers had married and had their own children. She returned to her abusive husband again and again because she simply saw no other options available.

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Human Rights Watch interview with Rayhon R., Isfara, July 22, 2015.

“I was not well educated, only finished school through the eighth grade, and saw no real job opportunities where I could provide for my children outside my husband’s whims. I came very close to suicide on a few occasions. If it wasn’t for the teacher at the kindergarten where I took my child who noticed some of my bruises, I would never have learned about the local NGO that finally helped provide me some assistance.”<sup>82</sup>

A lawyer at an NGO that provides legal assistance to women facing domestic violence in Isfara, a city in northern Tajikistan, told Human Rights Watch that lack of awareness of services can leave women victims of violence feeling hopeless and even contribute to them taking dire action. “Many women have ended up committing suicide here in the Sughd region because they are living lives far removed from any access to assistance,” he said.<sup>83</sup>

Some government agencies, including the CWFA, are conducting outreach to inform people that family violence is illegal and how survivors of family violence can get help. But interviews with service providers and survivors from disparate parts of the country make clear that far more needs to be done by the government to raise awareness as well as to coordinate service provision. Service providers and survivors told Human Rights Watch of specific instances when government efforts to raise awareness led directly to help for survivors, showing that this outreach can be critical.

Nigina N., 39, lives in a village just outside of Garm, in a rural mountainous area of central Tajikistan. In 1997, Nigina married a man she had never met before their wedding day. Like most Tajik brides, she immediately moved into her in-law’s house after the wedding, which included her mother-in-law and father-in-law, two brothers-in-law, two sisters-in-law, and five children among them. Her husband went to Russia as a migrant worker for six to eight months out of each year. After several years, her mother-in-law began beating her, complaining that the house was too small for all of the members of the family and that Nigina’s three children were just “too many mouths to feed.”<sup>84</sup>

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<sup>82</sup> Ibid.

<sup>83</sup> Human Rights Watch interview with an women’s rights lawyer, Isfara, July 31, 2015.

<sup>84</sup> Human Rights Watch interview with Nigina N., Garm, August 5, 2015.

“I saw that a women’s resource center had opened up in Garm and immediately sought help,” said Nigina. “The staff advised me to start taking classes on how to organize and run a small business and helped me to enter a program in Dushanbe where I could study commerce. With the help of one of my brothers, I raised the yearly tuition of 7,476 somoni (approximately US\$950) to enroll.” Nigina now has a job working at an organization that provides micro-lending loans to women.<sup>85</sup>

Service providers suggested that there has been progress in terms of awareness of and greater willingness to use protection orders. “Protection orders are easier to obtain since the law was passed, and awareness and demand for them is gradually increasing in urban areas of Tajikistan,” a service provider in Garm told Human Rights Watch. “When we first started working with survivors, the majority of women would refuse a protection order; they said that getting one would just complicate their lives. But now some women actually approach us for them and say, ‘Give me a protection order. My husband is acting up again.’”<sup>86</sup>

The government should work to make all members of the public aware of what protection orders are and how they can be obtained, and should ensure quick implementation of the provisions of the law designed to make it easier to obtain a protection order.

## Social Stigma

“If your head is bashed up, put on a *tyubeteika* (Tajik traditional hat) and shut up!” –

Tajik idiom mentioned by several survivors of domestic violence and their relatives during interviews

Human Rights Watch interviewed numerous women who remained in abusive relationships for many years due largely or partly to societal and familial pressure. Due to pervasive stigma against victims, women feel shame or guilt for reporting abuse by their husbands or other family members and discussing family matters outside the home. Women told Human Rights Watch they often feared that if neighbors saw police coming to their homes

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<sup>85</sup> Ibid.

<sup>86</sup> Human Rights Watch interview with service providers Viktoriya V., July 20, 2015; Human Rights Watch telephone interview with Dushanbe NGO representative, Dushanbe, February 6, 2019.

or found out they had gone to report abuse to the police it would bring shame upon the family and potentially result in further violence. The fear of stigmatization and a sense that a woman's destiny is to endure abuse has contributed to reluctance on the part of victims of domestic violence to seek help, let alone justice.

### **Sabohat: "He Tried to Kill Me So Many Times"<sup>87</sup>**

Sabohat S. was 16 when her parents married her to a man in Chkalovsk in the Sughd province of northern Tajikistan in 2001. Three days after moving in with her in-laws, he began abusing her physically and psychologically. As with several women Human Rights Watch interviewed in different parts of Tajikistan, survivors said that some of the worst forms of abuse they experienced were initiated by a husband for no particular reason beyond a desire to assert power and inflict terror on their partners.

"He tried to kill me so many times," said Sabohat. "Sometimes he would force me to hop on one leg and sing the national hymn of Tajikistan. Once I told him that he was speaking loudly and would wake our newborn. After that he punched my head against the wall so hard that I lost consciousness." Sabohat says she suffers severe headaches to this day.

"After this incident I tried talking to my in-laws. But their response was, 'Well, every woman gets abused. You must be patient.'"

From there, the violence only got worse. "He beat me all the time and beat the kids. In June 2010, he accused me of cheating and stabbed me once in the leg with a knife. I went to the local clinic and hid what had happened, saying it was a kitchen accident."

She said, "In November 2013 we had an argument while he was watching TV. He dragged me into the bathroom and shaved off all my hair. He took me outside and locked me in our car garage for two hours, doused me with dirty water, and told me to shut up! I froze out there in the garage."

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<sup>87</sup> Human Rights Watch interview with Sabohat S., Khujand, July 29, 2015.

On another occasion in May 2015, Sabohat’s husband beat her so badly that she urinated on herself. “After this, I tried to hang myself. It was my 13-year-old son who discovered me doing it and saved my life.”

After 14 years of beatings, Sabohat’s husband kicked her out of the house. With the help of her father, she appealed to police and the prosecutor’s office to initiate a criminal case against her abuser. Although the local prosecutor initially opened up an investigation into assault charges, he eventually closed the case, citing insufficient evidence. She then appealed to the local branch of the CWFA, who declined to take any action.

A women’s shelter in Khujand offered Sabohat crucial trauma counseling for her abuse and also classes in various job skills and trades which she could use to build a new independent life.

As a service provider told Human Rights Watch, “There are many women who are victims of domestic violence but who simply don’t say a word about it out of fear that their community will just heap more cruelty and violence on them.”<sup>88</sup>

Domestic violence expert Shakarbek Niyatbekov told Human Rights Watch that “while it is true the government and mass media have been working hard to highlight the problem of domestic violence more than before, including by featuring TV spots that explain harassment and how police should arrest perpetrators of violence, the vast majority of the population has not been reached, and the stigma of seeking help is still incredibly powerful. We know this is true because there are regular reports of domestic violence victims committing suicide rather than obtaining the help they need.”<sup>89</sup>

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<sup>88</sup> Human Rights Watch interview with representative of women’s crisis center serving women in Vanj, southeastern Tajikistan, Dushanbe, July 24, 2015.

<sup>89</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, domestic violence expert, Swiss Agency for Development and Cooperation, July 18, 2019.

Tabassum T. described how her husband abused her over three years, including kicking her in the stomach, slamming her head against the wall, and threatening her with a knife. When asked whether she ever reported the violence to the local police, she answered:

Of course not. The shame of doing so would ruin my life. Everyone knows that a wife never goes to the police herself. Her relatives only contact them after she's been killed... If a woman from the *qishloq* (village) walks around with bruises on her face, it is considered completely normal. But if she's seen as being responsible for her husband going to jail, then that's a scandal.<sup>90</sup>

Following multiple beatings and experiences of domestic violence, Tabassum's in-laws convinced her to perform another religious marital ceremony with her abuser, even though he had earlier tried to divorce her. This was meant to strengthen the marriage.<sup>91</sup>

Another victim of spousal abuse over several years told Human Rights Watch, "I landed in the hospital many times but always hid the real reason from the doctors," she said. "Even when I got a concussion, I would say that I had just gotten dizzy from food poisoning, passed out and hit my head. The doctors probably knew I was covering for my husband, but they, too, would act like they believed me. I wanted to complain to the police but knew it would cause a scandal."<sup>92</sup>

## Geographic Barriers and Limited Government Presence

Women in rural and mountainous areas in Tajikistan face severe barriers to services, protection, and justice due to the limited government presence in these areas and transportation challenges. Rural women may literally be trapped hours or days away from any form of assistance.

A defining feature of Tajikistan is the inaccessibility of many parts of the country, in part due to the mountainous terrain and difficulty of reaching various areas by road. Many such areas have few public services available. Avalanches, floods, and mudslides can impede

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<sup>90</sup> Human Rights Watch interview with Tabassum T., Khuroson, Khatlon province, July 23, 2015.

<sup>91</sup> Ibid.

<sup>92</sup> Human Rights Watch interview with Sabohat S., Khujand, July 29, 2015.

much of the country's roads for a large portion of the year, and 93 percent of Tajikistan is mountainous. As one expert stated, "the nearest police station to a mountainous village can be more than a two days' walk away."<sup>93</sup>

Human Rights Watch met with service providers from some of the country's most far-flung regions such as the Gorno-Badakhshan autonomous oblast (GBAO) in Tajikistan's east and the Rasht valley.

"Violence in Gorno-Badakhshan is the same as in the rest of Tajikistan," said one representative of a women's crisis center. "But our region is much more removed from the cities, more isolated, where women tend to be less educated in the villages and speak a language [Pamiri], which is very distinct from Tajik. These factors make communication with central authorities difficult and the problem of domestic violence harder to overcome."<sup>94</sup>

Gulnoz G., whom Human Rights Watch met in a domestic violence shelter, described how isolated she felt living in a village near the city of Penjikent in northern Tajikistan, with her husband who abused her for years with impunity. "I was like a prisoner out there in a far-flung region," she said. "Police are only located in urban centers. A law to protect women like me means nothing if help is inaccessible. My mother-in-law and husband were abusive to me, but they controlled the family finances, forbid me to go anywhere without permission, and threatened me repeatedly that I would lose my children if I ever did anything to dishonor the family."<sup>95</sup>

Protection orders are much harder to obtain for women in Tajikistan's many rural and mountainous regions. "In the cities, a protection order is much easier to obtain," said Viktoriya V., a service provider whose organization runs a temporary shelter and organizes awareness-raising for survivors around Tajikistan. "But when the district police station, which issues the protection orders, is a several hours' drive from the village where the complaint came from, an average police officer might need more than a whole day to get to the station, obtain the paperwork, and then get back to the scene of the violence. This can

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<sup>93</sup> Human Rights Watch telephone interview with domestic violence expert, Dushanbe, October 15, 2018.

<sup>94</sup> Human Rights Watch interview with Madiya Sharipova, from Vanj, Dushanbe, July 24, 2015.

<sup>95</sup> Human Rights Watch interview with Gulnoz G., Dushanbe, July 21, 2015.

easily exceed the 24-hour total time limit in which the protective order should be signed and presented to the perpetrator. The system would work more effectively if the order could be immediately presented to the perpetrator. But if it only comes after a week, the perpetrator will simply go on beating his victim until it arrives.”<sup>96</sup>

Tajik authorities need to ensure that people in all parts of the country have access to police, courts, and other government services.

## Inadequate Services

“If I had somewhere to go that was safe, away from my husband, I would gladly go and take my children. He drinks all the time. I don’t know what to expect from him.”<sup>97</sup>

### *Few Shelters Available*

There is a critical lack of shelters and other services where survivors of domestic violence can seek accommodation and protection in an emergency. International standards, such as those of the CoE, offer guidance on shelter provision. The European human rights body, albeit of which Tajikistan is not a member, recommends that “... where shelters are the predominant/only form of service provision, there should be one place per 10,000 population... There should be at least one specialist violence against women shelter in every province/region.”<sup>98</sup> By this calculation, Tajikistan should have at least 870 shelter beds for women fleeing domestic violence, and at least one shelter in each of the country’s five administrative divisions and 58 districts.

The lack of shelters in Tajikistan is a major barrier to implementation of the Family Violence Law. The law specifically outlines the need for temporary shelters to provide immediate protection for victims of violence. While some temporary and longer-term shelters exist in Tajikistan, activists and service providers report that the number and

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<sup>96</sup> Human Rights Watch interview with service providers Viktoriya V., July 20, 2015.

<sup>97</sup> Human Rights Watch interview with Shahnoza S., Khujand, July 29, 2015.

<sup>98</sup> CoE, “Combating violence against women: minimum standards for support services,” September 2008, <http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF%282007%29Study%20rev.en.pdf>, p. 38 (accessed on August 14, 2019).

capacity of shelters to accommodate women are woefully inadequate, leaving women unprotected and without any alternative other than to continue living with their abusers.

The Family Violence Law contains provisions to strengthen existing support centers and medical and social rehabilitation centers, as well as establish new institutions for victims of violence.<sup>99</sup> For example, art. 16 of the law mandates the establishment of “Support Centers” to receive victims of violence, provide necessary free medical, psychological, legal, and social support to victims, and provide temporary shelter.<sup>100</sup>

Support centers in Tajikistan that offer assistance to women victims of violence include a mixture of state and nonstate institutions. Among them are 110 state-run consultation centers, 18 OSCE-supported women’s resource centers, nine victim support rooms (*medpunkty*), and 33 crisis centers.<sup>101</sup>

Although the law states that support centers should provide temporary shelter, only the nine victim support rooms have the capacity to offer very temporary shelter, each with beds for only two adults and one child. Victim support rooms are typically situated within existing hospital wards and provide temporary, short term shelter, often only in cases of severe physical injury.

This system does not reflect the standards that the CoE guidance sets out, in particular that states shelters should be well-funded, accessible, and provide immediate access to protection.<sup>102</sup> The victim support centers in particular lack many characteristics and services the CoE standards cite as minimum requirements for shelters and refuges, including: security measures to ensure confidentiality; capacity to permit clients to remain as long as necessary and be re-admitted at any time; crisis support and safety planning;

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<sup>99</sup> Family Violence Law, arts. 16-17.

<sup>100</sup> Family Violence Law, art. 16(2).

<sup>101</sup> Human Rights Watch telephone interview with OSCE Program Office Gender Unit, Dushanbe, March 25, 2019; Human Rights Watch interview with Trafficking Officer Viorelia Rusu, Dushanbe, September 7, 2016; see also “Organization for Security and Co-operation in Europe Office in Tajikistan Women’s Resource Centres,” <https://www.osce.org/tajikistan/260921?download=true> (accessed on August 14, 2019). See also <https://www.osce.org/wrcs-video>. The Consultation Centers are housed directly within the local governing bodies and may provide counseling for victims of domestic violence and their families but are not shelters.

<sup>102</sup> Council of Europe, “Combating violence against women: minimum standards for support services,” September 2008, [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), p. 12. (accessed on August 14, 2019).

provision of, or referral to, legal advice, advocacy, accompaniment and other support services; assistance to ensure that service users have independent economic means when they leave the shelter; at least one qualified child care worker on staff; and resettlement and follow-up services available to ex-residents and their children.<sup>103</sup>

By contrast, consultation centers are housed directly within local governing bodies and may provide counseling for victims of domestic violence and their families and other referral services, but they do not include temporary shelters. No specific budget has been allocated to strengthen existing services or create new ones as called for in the Family Violence Law.

Art. 17 of the law calls for the establishment of “medical and social rehabilitation” centers for victims, with expenses paid by the offender.<sup>104</sup> While the law states that victims may stay in the centers for the “necessary period of time required for the treatment,” it also confusingly states that the “[w]orking time of centers and medical and social rehabilitation sections that provide support to victims should be in line with the working time of health centers and hospitals.”<sup>105</sup>

Human Rights Watch visited victim support rooms for domestic violence survivors at hospitals in Garm and Dushanbe in July 2015 and September 2016, respectively, and spoke with some physicians and survivors who have utilized them.

While experts and survivors alike believe that the existence of the victim support rooms shows an additional commitment from the government to take steps to offer support to victims, all noted several serious drawbacks. Among them was the fact that in most cases women stay less than five days. More problematically, the victim support rooms are located in the middle of the obstetrics and gynecology wards of the hospital, in which the nurses are primarily occupied with providing care to women in labor or postpartum.

“I spent three nights in there [the victim support rooms] but the experience was not very helpful,” said Rano R., a survivor of domestic violence who visited a victim support room in

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<sup>103</sup> Ibid, p. 47-49.

<sup>104</sup> Family Violence Law, art. 17.

<sup>105</sup> Ibid.

Dushanbe in August 2016. “The staff treated me like a patient with a sickness, checking my vitals, constantly asking me to lie down. They saw the bruises on my face and hands but did not know how to advise me nor refer me to any other services.”<sup>106</sup>

A lawyer for women survivors and expert on the implementation of the 2013 Family Violence Law told Human Rights Watch, “The victim support rooms that have opened since the law allocated funding are a good start, but they reflect an inappropriate medicalization of the issue. Mingling survivors with other patients at the hospital is not effective, given that survivors require a wider array of services ranging from psychological counseling to legal advice. The hospitals might be a good starting point for victims to receive urgent medical treatment but once the medical providers have treated the person and preserved evidence, they should be referring victims to other services such as longer-term shelters.”<sup>107</sup>

While the Family Violence Law recognizes that victim support centers providing immediate, temporary shelter are necessary, the law does not address the need for longer-term shelters to protect survivors and help them to escape abusive relationships.<sup>108</sup> As noted above, the CoE’s guidance on minimum standards for support services for survivors of domestic violence outlines that “shelter support should be available for as long as the service user needs them” and that shelters “should provide assistance to ensure that service users have independent economic means when they leave the shelter.”<sup>109</sup>

In Tajikistan, there are no government-operated shelters, and the government does not fund, regulate, or monitor private shelters or track capacity or usage.<sup>110</sup> “One cannot overstate how critical the deficit of shelters is in our country.” said Shakarbek Niyatbekov.<sup>111</sup>

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<sup>106</sup> Human Rights Watch telephone interview with Rano R., Garm, February 9, 2019.

<sup>107</sup> Human Rights Watch telephone interview with Shoiria S., Dushanbe, February 10, 2019.

<sup>108</sup> Human Rights Watch interview with Name and Affiliation withheld, Dushanbe, July 19, 2015.

<sup>109</sup> CoE, “Combating violence against women: minimum standards for support services,” September 2008, <http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF%282007%29Study%20rev.en.pdf>, pp. 38, 47-49.

<sup>110</sup> Human Rights Watch interview with international expert, name withheld, Dushanbe, July 19, 2015; Human Rights Watch telephone interview with OSCE official with OSCE Program Office Gender Unit, Dushanbe, March 26, 2019.

<sup>111</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, domestic violence expert, Swiss Agency for Development and Cooperation, July 18, 2019.

There is a total of four privately-run shelters for victims of domestic violence in Tajikistan: two in the capital, Dushanbe, one in Khujand in the northern Sughd province, and one in Kulob in southern Tajikistan. At time of writing, another shelter was being opened in Bokhtar.<sup>112</sup> These shelters house a maximum of 10 women in each shelter at any one time, far fewer in the case of *Gulrukhsor*, the shelter in Khujand, and the amount of time a woman can stay depends on each specific shelter, but generally does not exceed six months.

In a meeting with Human Rights Watch, representatives of the CWFA recognized that the lack of shelters is a serious problem in Tajikistan and that four shelters for a country of nearly nine million people is far too few.<sup>113</sup>

Every advocate Human Rights Watch spoke to reported that there are far too few shelters in Tajikistan. “For many women in Tajikistan who face severe domestic abuses, there’s literally nowhere to go,” one service provider told Human Rights Watch. “In the majority of cases, a woman cannot return to her parents’ home.”<sup>114</sup> The need for support from family and community networks, transportation difficulties, economic dependence on partners or their families, and presence of children make it unrealistic to expect survivors of family violence to travel long distances, for example to the capital, for shelter and other services.

Even where shelters are available, in some cases survivors said they only accommodate short-term stays and that this does not afford sufficient protection. Zamira Z. realized she was in an abusive relationship on her wedding night when her husband, whom she met for the first time earlier that day, slapped her. “His in-laws were critical any time I would spend money on food, medicine, or really anything,” she said. “My husband would come home and talk to his parents about their complaints and then would beat me. He would insult me for supposedly not following his rules.”<sup>115</sup> Zamira fled to a local shelter in her northern city of Khujand but could only stay the maximum allotted 14 days. “Where does a woman go after two weeks, especially if she has children?” asked Zamira. “We need a

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<sup>112</sup> Human Rights Watch telephone interview with OSCE official with Gender Unit, Dushanbe, March 26, 2019.

<sup>113</sup> Human Rights Watch interview with representatives of CWFA, Dushanbe, September 5, 2016.

<sup>114</sup> Human Rights Watch interview with Guliston G., Levakant, July 22, 2015; Human Rights Watch telephone interview with OSCE Gender unit official with Gender Unit, Dushanbe, March 26, 2019.

<sup>115</sup> Human Rights Watch interview with Zamira Z., Khujand, July 30, 2015.

shelter where a woman with children can go and have the time to recover and start rebuilding a life.”<sup>116</sup>

Even the few women who have access to shelters may not be safe there, as the locations where current shelters operate are not hidden. A physician who regularly treats survivors of domestic violence explained, “There needs to be a shelter in a hidden location, so that men can’t find it. Battered women will go to a shelter. But if the location of the shelter becomes publicly known, their husbands and other male relatives will find them and force them to return home.”<sup>117</sup>

Service providers, lawyers, and activists underlined the urgent need for the Tajik government to establish and fund shelters across the country, and to ensure through oversight that the services provided through shelters are comprehensive and appropriate. In addition to increasing the number of long-term shelters available to women, several experts told Human Rights Watch that the government should make available socially affordable permanent housing for vulnerable segments of the population and reserve certain numbers of units for victims of domestic violence.<sup>118</sup>

As one expert put it, “[T]he concept of shelters must be better supported by the state. The process for setting up and registering a shelter is not only expensive but cumbersome. It should be simplified. Agencies tasked with implementing the [Family Violence] Law should advise women on how to obtain affordable housing.”<sup>119</sup>

Human Rights Watch interviewed women who were still living with their abusers, survivors of violence now in shelters, and others who were forced to return to live in their parents’ homes due to the lack of any other alternative. The lack of affordable housing as well as long-term shelters was a critical problem in every scenario.

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<sup>116</sup> Ibid.

<sup>117</sup> Human Rights Watch interview with physician who treats survivors of domestic violence, Dushanbe, August 4, 2015; Human Rights Watch telephone interview with OSCE Program Office Gender Unit, Dushanbe, March 25, 2019.

<sup>118</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, Swiss Agency for Cooperation and Development, July 18, 2019 and earlier in-person interview Dushanbe, August 4, 2015.

<sup>119</sup> Ibid.

### *Focus on Reconciliation in Women's Centers*

Domestic violence shelters in Tajikistan are typically set up to house women for a maximum of a few weeks. More prevalent throughout the country are the 18 women's resource centers established by the OSCE, as well as other types of support centers, organizations where women can seek legal and counseling services but that do not offer shelter.<sup>120</sup>

At the centers, survivors and abusers, often a wife and her husband, often go through couples counseling aimed at reconciliation, in many cases facilitated by center staff. Several representatives of various crisis centers, OSCE women's resource centers, and other public organizations who often are frontline providers of services to survivors of domestic violence emphasized that they believed their role was to reconcile husbands and wives in cases of abuse and to do whatever possible to preserve the family unit and actively discourage divorce, regardless of domestic violence.<sup>121</sup> Preservation of family unity is highly valued, and Tajik society strongly stigmatizes divorced women, perceiving them as having lower societal status. Therefore, divorce is uncommon.

Human Rights Watch's interviews revealed that often the entire structure of the *qishloq* (village) discourages a woman from making a complaint to the authorities about violence in the home. Human Rights Watch found that even staff at organizations tasked with implementing the Family Violence Law may reinforce the idea that women should remain silent about domestic abuse. In many cases, they advise their clients not to take their cases to the police.

Counseling is an essential service for survivors of domestic violence, but the focus of this counseling should be trusting victims' experiences, reinforcing that they are not to blame for violence inflicted on them, and fostering and supporting their self-determination.<sup>122</sup>

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<sup>120</sup> Human Rights Watch interview with OSCE Trafficking Officer Viorelia Rusu, Dushanbe, September 7, 2016; see also "Organization for Security and Co-operation in Europe Office in Tajikistan Women's Resource Centres," <https://www.osce.org/tajikistan/260921?download=true> (accessed March 26, 2019). See also <https://www.osce.org/wrcs-video>.

<sup>121</sup> Human Rights Watch interviews with Hairiniso H., Marifsho M., Sangoh S., Sharifamoh Sh., in Bokhtar, Murghab, Levakant, Dushanbe, July 21, 22, and August 3, 2015.

<sup>122</sup> "Combating violence against women: minimum standards for support services," Prof. Liz Kelly and Lorna Dubois, Directorate General of Human Rights and Legal Affairs, Council of Europe Strasbourg, September 2008, [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), p. 12-13 (accessed August 15, 2019).

Counseling focused on urging or coercing reconciliation can undermine the rights, and the safety, of women who may be considering leaving their partners. The CoE guidelines provide that the focus of counseling for perpetrators of domestic violence should be ensuring that they accept responsibility for their behavior, and that “family counselling, mediation or reconciliation, and anger management are not appropriate responses in domestic violence services in general and work with perpetrators in particular.”<sup>123</sup>

One representative of a women’s resource center in southern Tajikistan told Human Rights Watch that they focus on “resolving family conflicts independently of the courts,” citing the existence of a large number of children in Tajik families. “We see that many families and women individually do not understand what domestic violence really is and why it should not be tolerated. We also see many men that hurry to divorce their wives, pronouncing the three *taloqs* [“I divorce you”] at the direction of their jealous mothers. We see young brides who are chased prematurely out of the house by angry in-laws. For the sake of the children, we try to get everyone together and we will work with them over one or two months to preserve the family.”<sup>124</sup>

“The professionals working with women at crisis centers almost exclusively pursue reconciliation of spouses,” an expert told Human Rights Watch, suggesting that this may in part result from the prevailing view in Tajikistan that “marriage is sacred” even when the relationship is abusive.<sup>125</sup> In several cases, Human Rights Watch met with the mothers of domestic violence survivors who had suffered severe beatings at the hands of abusive husbands and mothers-in-law. Several admitted that they often encouraged their daughters to return to the homes of their abusers, potentially into even more violent situations, following a beating due to strong social pressure to avoid divorce and the idea that domestic violence is a routine, family matter.<sup>126</sup>

Zarafo Z. suffered increasingly violent beatings at the hands of her husband at his parents’ home in Isfara, which reached a zenith in 2014 and 2015.<sup>127</sup> Like many other Tajik migrants, her husband returned to Tajikistan after losing his construction job in Russia during an

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<sup>123</sup> Ibid, p. 18-19.

<sup>124</sup> Human Rights Watch interview with representative of Women’s Support Center, July 22, 2015.

<sup>125</sup> Human Rights Watch interview with international expert, name and affiliation withheld, September 6, 2016.

<sup>126</sup> Human Rights Watch interview with Mukaddas M., mother of Zarafo Z., Isfara, July 31, 2015.

<sup>127</sup> Human Rights Watch interview with Zarafo Z., Isfara, July 31, 2015.

economic slowdown. On one occasion, her husband's mother, who was still working in Russia, called the house and learned that several of Zarafo's relatives were visiting the home as guests. She complained to Zarafo's husband that the relatives were there and might try to move in permanently. She then said, "Why are you so afraid of your wife?"

"This is when he slapped me twice on the face and began choking me," Zarafo told Human Rights Watch. "Then he turned me around so that my back was facing him, and he began to push against my back with his foot. He kicked my leg, so that I fell down, and that's when I saw that I was choking up blood. I couldn't speak."<sup>128</sup> Zarafo's spleen had burst into three parts. She ended up in the hospital, where she hid from the doctor the real reason for her internal bleeding, for 13 days. Under pressure from her husband, mother-in-law, mother, and doctor to reconcile, she returned to her husband's parents' home, where the violence and verbal abuse only escalated.<sup>129</sup> After another severe beating which landed Zarafo in her local hospital, she said that the treating physician told her, "You're a Tajik Muslim woman: Go home and put up with it."<sup>130</sup> Eventually, Zarafo and her mother found a lawyer who worked with the local office of the prosecutor general to arrest Zarafo's husband, but only long after irreversible damage to her health had been done.<sup>131</sup>

### *Lack of Psychosocial Support*

There is virtually no individual psychosocial counseling for survivors of domestic violence in Tajikistan. While women's resource centers provide what they call "counseling," this is primarily short-term couples' counseling or mediation, with the goal of reconciling couples. It is not professional and skilled counseling designed to support women in their own self-determination. "There is a crucial gap in the kind of therapy that could help an individual break out of the cycle of violence," an activist told Human Rights Watch.<sup>132</sup>

In addition to dramatically expanding access to shelters, the government should also work quickly to expand access to psychosocial support by qualified counselors for women both

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Human Rights Watch telephone interview with domestic violence activist, Dushanbe, February 9, 2019.

in and outside of shelters with a focus solely on meeting women’s needs, not automatically promoting reconciliation.

## Weak Law Enforcement Response

In the *qishloq* (village) women never appeal to the local police. They know doing so is useless. The police will just make them feel ashamed.<sup>133</sup>

Victims of violence face multiple barriers to even getting the attention of law enforcement. Lawyers and activists who help survivors file complaints said that, based on their experience, once police are involved in a case, they almost always try to resolve it solely through couples counseling or mediation, aiming to get the abuser to promise future good behavior.<sup>134</sup> Often, the lawyers and activists said, the police fail to even tell survivors about the option of seeking a family protection order or filing a criminal complaint.

When attackers are arrested, they are often freed immediately on bail or, at most, sentenced to minor fines and then amnestied. “Even though the police had ample proof that my husband had severely beaten and raped me, they let him off without any consequence [*otmazit’sya bez osobykh posledstviy*] many times,” said Adolat A., who lived through more than a decade of abuse at the hands of her husband. “In reality the punishment for domestic violence is minor and usually consists of fines, many of which are later amnestied.”<sup>135</sup>

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<sup>133</sup> Human Rights Watch interview with Fayzagun F., Bokhtar, July 22, 2015.

<sup>134</sup> Human Rights Watch telephone interview with women’s rights lawyer, Dushanbe, December 17, 2018; Human Rights Watch telephone interview with NGO representative, Isfara, December 18, 2018.

<sup>135</sup> Human Rights Watch interview with Adolat A., Dushanbe, July 25, 2015.

### Zebo's Story: Authorities Enable Abuse, Shelters Provide Rescue<sup>136</sup>

“The morning after my husband beat me I narrowly escaped from the house and went to the Shaartuz [a city in southwestern Tajikistan] city prosecutor’s office covered in blood, with fresh wounds, and asked to file a complaint,” said Zebo Z., who told Human Rights Watch that she first reported violence to authorities in 2014 after more than four years of spousal abuse and rape. “But when I got to the prosecutor’s office and started to describe what had happened the officer interrupted, ‘Aren’t you yourself to blame?’ and immediately called my husband to tell him I was there. He then said, ‘Everything will work out fine. Go straight home.’”

But Zebo could not go home. The night before, her husband had beat her continuously for three hours, until her face and his hands were entirely covered in blood. In a drunken rage, he threatened to strangle the couple’s two-year-old son. When Zebo asked neighbors for help, they answered, “How can we take you in? This is a family affair.” Zebo and her three children were left on the street.

Zebo walked out of the prosecutor’s office and straight into the local city court. “I found a judge and told him how my husband had bashed my head against a wall repeatedly,” she said. “He listened and then immediately called my husband, saying ‘Why did you leave the house looking like this? Your husband’s a good man. Just go home.’”

“These officials saw I was covered in bruises and blood, but did nothing,” she said. “They sent me home and promised to send an officer to visit me there. When the officer finally came, he said, ‘This is a domestic problem,’ and just told my husband not to do it again.”

Zebo has three children. Her husband, Faridun, was abusive from the beginning of the marriage, even during pregnancy. Like so many families in Tajikistan, Zebo’s marriage was unregistered with the state, performed only through a religious ceremony (*nikoh*).

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<sup>136</sup> Human Rights Watch interview with Zebo Z., Dushanbe, July 21, 2015.

Zebo was the second wife of two married to her husband, living in a separate residence from his other family.

Zebo's husband started beating her more intensively after their first son was born. "He said he got pleasure from this," she said. "He would beat me all the time and say he was doing this so that I would end up in heaven." Once when the couple was driving, Zebo said, Faridun pushed her out of a moving car while pregnant, accusing her of cheating on him. He would often come home drunk and rape Zebo. Marital rape is not recognized as a crime under Tajikistan's criminal law.

After unsuccessfully seeking police intervention, Zebo lost hope her husband would ever be arrested. After enduring many more brutal, nearly fatal beatings, Zebo finally fled with her children from her southern city to the capital, Dushanbe. "We literally escaped from a group of policemen who were friends with my husband and were standing guard outside my house."

With the help of a few friends, she eventually found a shelter for survivors of domestic violence, one of two in the capital, and a total of four in the entire country of nearly nine million people. Zebo's experience in the shelter made all the difference in her life; not only did she gain access to critical medical and psychological support for the trauma she had suffered, legal advice on how to obtain a divorce, and recover her share of marital property, she also learned critical skills to start a small business. Still, her husband did everything he could think of to force her to come back to him, terrorizing her relatives.

But Zebo persisted with the dedicated support of the women's shelter. "I learned to sew, took culinary classes, and gradually became confident. I learned that there are good people in this world after all," she said. Zebo eventually developed a client base for her sewing trade and earns money with her own business in addition to working part of the time at the shelter. Still, like many women in Tajikistan, she has never been able to enforce the payment of alimony, nor hold her husband criminally responsible for his rape and beatings.

The reluctance of police to pursue arrest and prosecution in even the most serious cases of family violence is out of line with international standards developed by the UN Office on Drugs and Crime (UNODC) and UN Women, both of which recommend a “pro-arrest” approach to family violence cases.<sup>137</sup> UNODC guidelines from 2014 on “Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women,” makes the following recommendation to states:

Consider establishing pro-arrest policies, which highly encourage officers to make an arrest in cases of domestic violence while at the same time leaving some discretion with them. These policies should require a written report on the reasons when the policy is not followed. Pro-arrest policies should be part of a coordinated multi-agency approach in order to ensure that the victim will not be disempowered by the policy.<sup>138</sup>

While experts and service providers told Human Rights Watch that the emergence over the past four years of gender-sensitive units within some police stations in Tajikistan have contributed to small improvements to the police response to domestic violence, these units are few and far between.<sup>139</sup>

Experts have welcomed the appearance of several police stations staffed with female officers who have undergone gender-sensitive and other specific domestic violence training.<sup>140</sup> But women’s rights advocates who regularly assist survivors expressed frustration with the turnover of those officers who have received gender-sensitive training and who are supposed to staff the domestic violence police station units.

NGO activist Tatyana Khatyukhina who works in Tajikistan’s northern Sughd province complained about a change in staff in her region, from a female police inspector, who specialized in domestic violence, to a male officer who had not undergone the training

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<sup>137</sup> United Nations Office on Drugs and Crime, “Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women,” 2014, p. 65; UN Women, “Handbook for legislation on violence against women,” 2012, p. 36.

<sup>138</sup> United Nations Office on Drugs and Crime, “Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women,” 2014, p. 65.

<sup>139</sup> Human Rights Watch interview with OSCE Program Office gender expert Viorelia Rusu, Dushanbe, July 27, 2015; Human Rights Watch telephone interview with Sayidali S., NGO representative, southeastern Tajikistan, February 7, 2019; Human Rights Watch telephone interview with OSCE Program Office official with Gender Unit, Dushanbe, March 26, 2019.

<sup>140</sup> Ibid.

program. “When there was a woman, we could be in constant contact with her, referring clients to her. But now that it’s a man [in the job] we cannot even find him at the station. He’s never there. We need a woman in this position because then she would be focused on domestic violence cases.”<sup>141</sup>The OSCE Program Office in Dushanbe has intentionally staffed gender-sensitive police units with specially trained female officers.

In most cases, victims of family violence deal with police officers from the general criminal investigations police divisions, who are unlikely to have awareness and training to handle domestic violence cases. Experts and survivors said the result is sometimes that police officers fail to register domestic violence complaints, make appropriate referrals, investigate cases, and classify them with the appropriate level of gravity. “We went to the regional office of the Ministry of Internal Affairs,” Tabassum T., a survivor of domestic violence, told Human Rights Watch. “The police took a total of four complaints from me and still they did nothing.”<sup>142</sup>

As the CEDAW Committee pointed out in November 2018, “women [in Tajikistan] rarely seek justice when they face gender-based violence and discrimination, specifically in rural areas, partly due to the fact that they are dissuaded by their relatives or law enforcement officials and partly due to social stigma and persistent discriminatory gender stereotypes.”<sup>143</sup>

Negative experiences with, and perceptions of, the police may deter victims of family violence from seeking help. Khatyukhina told Human Rights Watch, “The police just are not motivated to go to the homes of families they know are experiencing problems with domestic violence and monitor the situation. Our [non-profit] organization writes to police

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<sup>141</sup> Human Rights Watch interview with NGO activist Tatyana Khatyukhina, Khujand, July 27, 2015.

<sup>142</sup> Human Rights Watch interview with Tabassum T., Khorasan, Khatlon province, July 22, 2015. Human Rights Watch interview with OSCE Program Office gender expert Viorelia Rusu, Dushanbe, July 27, 2015; Human Rights Watch telephone interview with OSCE Program Office official with Gender Unit, Dushanbe, March 26, 2019. According to the OSCE, while the Tajik government has more recently strengthened efforts regarding education and prevention of domestic violence among the populace, a key remaining problem remains the reluctance of police and other appropriate authorities to respond to and meaningfully investigate and prosecute cases of domestic violence.

<sup>143</sup> CEDAW, *Concluding observations on the 6th periodic report of Tajikistan*, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En) (Nov. 14, 2018), para. 13.

departments and requests that they visit with women at least once a month, whom we know are being victimized. But the police cynically tell us this is not their job, but ours.”<sup>144</sup>

“There are cases where a police officer comes to the home after reports of a beating and the man denies the accusations,” said Khatyukhina. “He’ll say his wife fell ill, or fell down, and that she shouldn’t be believed. At this point, the police officer will search for witnesses among the neighbors who often make it look like they saw and heard nothing. In these cases, people become fed up and realize that it’s better to sit and stay quiet.”<sup>145</sup>

Survivors and activists described a common practice where police or prosecutors in Tajikistan provide brief written statements which formally confirm their refusal to open a criminal investigation into claims of domestic violence, usually referring to lack of evidence.<sup>146</sup> These written forms are so widespread that they have acquired a colloquial name among women. They are sarcastically known as the “letter of happiness” (*pis’mo schast’ya*).

### Mahbuba’s “Letter of Happiness”<sup>147</sup>

Almost immediately following her arranged and forced marriage at age 19 in 2009, Mahbuba M.’s husband became abusive. She had met her husband only once before their wedding day. “He drank and would beat me for the smallest things,” Mahbuba said. “He beat me with a stick, with a broom, and even a shovel. He would call me a ‘prostitute’ in front of all his family members. I couldn’t take it and kept quiet to avoid causing a scandal. But one day I tried taking 60 pills to try to end it all.”

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<sup>144</sup> Human Rights Watch interview with NGO activist Tatyana Khatyukhina, Khujand, July 27, 2015. See also, CEDAW, Concluding observations on the 6th periodic report of Tajikistan, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En) (Nov. 14, 2018), paras. 25-26.

<sup>145</sup> Human Rights Watch interview with NGO activist Tatyana Khatyukhina, Khujand, July 27, 2015.

<sup>146</sup> Human Rights Watch telephone interview with NGO activist, Dushanbe, February 19, 2019; Human Rights Watch interview with NGO activist Tatyana Khatyukhina, Khujand, July 27, 2015; Human Rights Watch interview with Mahbuba M., Khujand, July 29, 2015.

<sup>147</sup> Human Rights Watch interview with Mahbuba M., Khujand, July 29, 2015.

Mahbuba awoke in the Khujand city hospital. “The doctors saw my cuts, bruises and knew what had happened,” she said. “But my husband convinced all the doctors to discharge me early, I believe, so that I would not file a police complaint against him.” Mahbuba said her husband also took all the medical records from her treatment so there was no documentation of her injuries. “He made sure no documents were left at the hospital to ensure that I could not go after him.”

After returning home, Mahbuba says, the abuse began again. Mahbuba’s husband frequently raped her and, according to she and her father, the whole neighborhood, even the neighborhood police officers, knew about his abuse. “The Jamoat (local government) officials did nothing” she said. “The neighbors were afraid of him and our neighborhood policeman did nothing.”

### *Seeking Shelter*

Mahbuba desperately wanted to leave “but [I] was worried about losing [my] home, that [I] helped to furnish with [my] own labor, and losing a roof over the heads of [my] three kids.”

The beatings continued for years. One day in 2014, while watching a public service announcement on TV, Mahbuba learned about a shelter that helps victims of domestic violence where she could seek help. “I knew my life had fallen apart and I found the shelter the next day,” she said. The shelter’s lawyer helped Mahbuba file a police report and initiate divorce proceedings.

### *Divorce and “Division” of Property*

Mahbuba moved out of the house with her children and divorced her husband but eventually had to return to her ex-husband’s and in-laws’ house in order to acquire the property awarded to her and her children by the court. Under the *vseleniie* remedy, the court rules that a divorced spouse, usually the wife, and her children are entitled to a certain portion of the home where she has resided with her former husband and in-laws. In Mahbuba’s case, the court awarded her and her three children one room out of an eight-room house and provided for joint use of the kitchen by all parties. Mahbuba’s husband and in-laws often blocked them from using the kitchen or

bathroom, humiliating them by forcing them to go to other places to take showers. During this period, Mahbuba's former husband began beating her again.

#### *Fruitless Appeals to the Police*

Mahbuba was determined to seek justice and began regularly appealing to the police after every beating. "I would go to the local police officer (*uchastkovy*), but he never believed me. He would say, 'Why did you get divorced? You should have stayed with him!'"

"The police didn't help me and never conducted any investigation," Mahbuba said. "We even called the police and asked them to come to our house, but they failed to come."

She appealed to the police and prosecutor's office in the Ghafurov district in February, August, September, October, and December 2014, bringing with her the record of doctor's examinations of injuries to her head, arms, legs. "I came with medical exams in hand and met with a detective," she said. "He had no reaction at all. The prosecutor did nothing either. When I called the detective later to follow up, he simply said, 'There's no case,' and hung up the phone."

#### *"Letter of Happiness"*

"I want my husband to face justice, but they won't touch him," Mahbuba told Human Rights Watch. "The police, the prosecutors, even the doctors, have done nothing for me. All they have done is refuse to protect me. When I go to the police, they just hand me this form which basically states that there is insufficient evidence upon which to initiate a criminal proceeding. The letter states that they have found no evidence a crime has been committed and will not open an investigation, but that I am still free to apply to the courts on my own."

Mahbuba has begun working with a local human rights group and speaking to groups of women about her experience with domestic violence and the help she received at the shelter. But as for getting justice for the abuse, Mahbuba said, "I didn't bother going to court after the 'letter of happiness' because I know how expensive and time-

consuming pursuing my own case would be. I want to go all the way. I want justice. He needs to face punishment for what he's done.”

Activists and service providers were at pains to emphasize that some police officers do respond effectively to domestic violence cases. But too often, victims seeking police help are turned away or mistreated. The government should ensure that clear policies are in place for how police are expected to respond to reported cases of domestic violence, establish a means for victims to complain if these policies are not followed, and discipline, including through termination, officers who fail to comply with these policies.

In developing such policies, the government should refer to the UNODC recommendation on “pro-prosecution” policies, which it describes as follows:

In cases of violence against women, consider establishing pro-prosecution policies, which means where there is probable cause to believe that a crime has occurred, that prosecution is likely but not mandatory. The policy should include an oversight component, such as requiring a written report on the reasons when the policy is not followed and review by a superior. Pro-prosecution policies should be implemented with training and be part of a coordinated and multiagency approach.<sup>148</sup>

Following a divorce from her first husband who was abusive, Muhbira M. re-married. Their first two years were good, but he began beating her severely in the third year of the marriage. “He would punch me seven times in a row, pull my hair, and then force me to cook him food and then make the children stay hungry and look on as he ate the food,” she said. “When the police officer finally came to my home and I told him about the beating, he would discourage me from filing a complaint and then outright refused to take it. When I pressed him why they wouldn’t take it he said, ‘your husband’s a former soldier, lady, so we don’t want to disrupt his pension.’”<sup>149</sup>

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<sup>148</sup> United Nations Office on Drugs and Crime, “Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women,” 2014, p. 76.

<sup>149</sup> Human Rights Watch interview with Muhbira M., Khujand at NGO Chasma Hayot, July 30, 2015.

“It is a rare event that a domestic violence case makes it to court,” said one lawyer who often represents women in cases of domestic abuse.<sup>150</sup>

Despite these critiques, a few activists Human Rights Watch interviewed felt that since the passage of the law there has been some incremental improvement in the willingness of prosecutors and courts to be tougher on domestic violence, and that additional training and improved police work has increased the number of cases that move forward to trial.<sup>151</sup> Human Rights Watch requested government data on prosecutions and convictions in domestic violence cases, but at time of writing the government had not responded.

## Lack of Legal Assistance

There are few lawyers in Tajikistan and even less access to free legal aid. Following legislative amendments introduced in 2015 to the law on lawyers, the independence of Tajikistan’s legal profession was restricted and a number of lawyers were deprived of their legal licenses or excluded in other ways from practicing law. Prior to the changes, Tajikistan had approximately 2,000 registered lawyers. Following the passage of the new law, fewer than 500 are able to practice law for a population of nearly nine million, a ratio of approximately one lawyer per 18,000 inhabitants.<sup>152</sup>

Without legal assistance, survivors may be in the dark about the status of protection order applications and investigations and prosecutions, and they may not know what to do if they confront delays. Survivors of domestic violence also often need legal assistance with civil matters should they decide to leave the abusive partner, including help to obtain child custody and child support payments.

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<sup>150</sup> Human Rights Watch interview with women’s rights lawyer, Dushanbe, July 25, 2015; CEDAW Committee, Concluding observations on the sixth periodic report of Tajikistan, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En) (Nov. 14, 2018), paras. 13, 25.

<sup>151</sup> Human Rights Watch telephone interview with Shakarbek Niyatbekov, domestic violence expert, Swiss Agency for Development and Cooperation, July 18, 2019; Human Rights Watch interview with women’s rights lawyer Abduholik Nazarov, NGO Umed, Isfara, July 31, 2015; Human Rights Watch interview with representative of local NGO that provides counseling and other assistance to survivors of domestic violence, Levakant, July 22, 2015; Human Rights Watch interview with a women’s rights lawyer, Isfara, July 31, 2015.

<sup>152</sup> “Tajikistan: Long Prison Terms for Rights Lawyers Serious Blow to Independence of Legal Profession,” October 6, 2016, <https://www.hrw.org/news/2016/10/06/tajikistan-long-prison-terms-rights-lawyers> (accessed August 14, 2019).

In interviews conducted across various cities in Tajikistan, Human Rights Watch saw firsthand the stark difference in the experiences of survivors of domestic violence who gained timely access to qualified legal representation and those who were left to navigate law enforcement bodies and courts on their own. In the few cases examined by Human Rights Watch where perpetrators of domestic violence have faced some measure of legal consequences, lawyers were involved in representing the survivor.

The head of a Dushanbe NGO that works with victims of trafficking and domestic violence described a lack of legal expertise among the staff of women’s crisis centers. “One of the main problems with the Family Violence Law is the lack of provision of funds for NGOs to have attorneys on staff that can assist victims of domestic violence throughout their cases,” she said.<sup>153</sup>

Another lawyer in private practice in Dushanbe who specializes in cases of domestic violence echoed the above. “Traveling around the regions of Tajikistan you find so many routine and basic procedural mistakes being made by local police departments, and simple steps that could be taken to get survivors the legal help they need. But they just don’t know how or where to find qualified lawyers,” she said.<sup>154</sup>

Shahlo S. told Human Rights Watch about beatings she suffered routinely at the hands of her husband who was addicted to cocaine and heroin. “After he would shoot up, he would come home with a glaze over his eyes and then start beating me,” she said. “After acting violently, he would break down and tell me how much he loved and needed me. I went looking for legal advice to help me end the abuse but did not know where to turn. Most of the lawyers I found just focused on business deals.”<sup>155</sup>

Parvona P. is from a village in southern Tajikistan. She suffered savage abuse at the hands of her husband. “He would sexually humiliate me and beat me with a belt when I refused to do what he wanted,” Parvona told Human Rights Watch. Parvona’s husband raped her on a regular basis. “He once poked me with a knife in my arm so that I would do what he

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<sup>153</sup> Human Rights Watch interview with NGO leader Ashona A., Dushanbe, July 20, 2015.

<sup>154</sup> Human Rights Watch interview with lawyer Shukrona Sh., Dushanbe, September 8, 2016.

<sup>155</sup> Human Rights Watch telephone interview with Shahlo S., location withheld, May 5, 2019.

liked, and he even bit me. My bruises were obvious and visible on my face, but we would often make up stories to explain them.”<sup>156</sup>

On one occasion in 2014, Parvona returned to stay at her parents’ house following a violent episode with her husband. He came to get her. “He entered the house and threatened to kill me if I didn’t return to him,” she said. “He had a gun and threatened both my mother and me with it. My mother called the police, who simply showed up, talked to my husband, and did nothing. The police took a statement from me and literally did nothing else.”<sup>157</sup>

After another beating, Parvona’s husband anally raped her. She told Human Rights Watch that the local prosecutor’s office and police threw her out of their offices when she came to report the rape. Only after hiring a local lawyer to help her was Parvona able to obtain a forensic examination to prove she had been raped.<sup>158</sup> Ultimately, Parvona’s husband was briefly detained, but never charged. She divorced her husband in 2015 and received some legal assistance from a local women’s support center in filing for alimony and division of property.

Parvona’s case brought to light a key issue for many survivors of domestic violence in Tajikistan. While women’s rights NGOs and women’s support centers often provide some form of civil legal assistance, they do not have the capacity to provide survivors with lawyers to represent them in criminal matters. Several lawyers and service providers told Human Rights Watch that the critical lack of criminal lawyers means that many survivors of domestic violence are left without justice.

While international human rights law does not require that governments provide free legal assistance to survivors of crime, there is increasing recognition that this is an important practice. UNODC guidelines on criminal justice response to violence against women recommend provision of free legal aid to survivors who are unable to pay.<sup>159</sup> In a 2012 resolution on elimination of violence against women, the UN General Assembly urged

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<sup>156</sup> Human Rights Watch interview with Parvona P., village in southern Tajikistan, July 22, 2015.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> United Nations Office on Drugs and Crime, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women* (New York: April 2014), [http://www.unodc.org/documents/justice-and-prison-reform/Strengthening\\_Crime\\_Prevention\\_and\\_Criminal\\_Justice\\_Responses\\_to\\_Violence](http://www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence).

member states to ensure that female survivors of violence are provided necessary legal representation as part of ensuring their full access to both civil and criminal justice systems.<sup>160</sup>

## Economic Dependence on Abusers

“Women only believe they have suffered domestic violence when your husband gives you bruises. They don’t realize it also comes in the form of economic violence and deprivation.”<sup>161</sup>

Economic dependence keeps many survivors of family violence, especially women, trapped in relationships with their abusers. In Tajikistan, there is no safety net for survivors of domestic violence who need financial support.

Activists and representatives of women’s shelters across Tajikistan told Human Rights Watch that their clients often hesitate to seek remedies for family violence due to financial dependence on abusers. “If the husband who beats his wife is fined for violent actions, then he simply won’t pay for food,” said one lawyer who has been representing survivors of domestic violence for many years. “As such, fines are not effective because they impose a financial burden on the entire family.”<sup>162</sup>

Survivors echoed this concern in interviews with Human Rights Watch. Mehrangiz M., who has three children, only appealed to the police after her husband had raped and beaten her so hard with a shovel that it caused internal bleeding. But rather than pressing for his arrest, she agreed to undergo mediation at a women’s resource center. He was a seasonal migrant in Russia and the breadwinner of the family. He ended up paying a fine, and the criminal charges were dropped, she said. Mehrangiz told Human Rights Watch that she was too financially dependent on him to pursue any other option.<sup>163</sup>

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<sup>160</sup> United Nations General Assembly, Resolution 67/144, Intensification of efforts to eliminate all forms of violence against women, A/RES/67/144, December 20, 2012, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/67/144&Lang+E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/144&Lang+E) (accessed March 9, 2019), paras. 18(h), 18(i).

<sup>161</sup> Human Rights Watch interview with Umed Sadritdinov, NGO worker, Shaartuz, September 4, 2016.

<sup>162</sup> Human Rights Watch interview with lawyer, Dushanbe, July 25, 2015.

<sup>163</sup> Human Rights Watch telephone interview with Mehrangiz M., Shaartuz, February 11, 2019.

Other women said that because their husbands and parents strongly discourage them from taking up any employment outside the home, they are unequipped to find work if they leave their abusive husbands. “After I got married, I announced that I wanted to continue my studies, but my in-laws and my husband said that if I went to school and spent time around men, I would become a prostitute,” said Shahnoza S. “Our area is deeply religious, and women are not even allowed to walk around freely.”<sup>164</sup>

Several women said their husbands abused them for years and then took other wives and abandoned them. They told Human Rights Watch that their financial situation was so dire that they wanted their abusive husbands to return to them. Mohsafar M.’s husband once beat her unconscious when she was unable to carry bricks around the new house they were constructing and her husband’s brother attempted to rape her when her husband had left them alone. “I needed money to hire a lawyer to help me to file a divorce, but I had no idea how I would be able to support myself, let alone my three kids,” said Mohsafar.<sup>165</sup> Mohsafar ultimately stayed in an abusive relationship with her husband for more than 10 years until he moved to Russia and married a woman there. Mohsafar is now managing a small store in her village but struggles to pay rent. Despite the physical abuse she suffered, she says she wishes her husband would come back and provide financial support to her and her children.

Survivors of domestic violence can seek assistance from the court system in obtaining child maintenance payments from their children’s fathers. Courts can order such maintenance regardless of whether there is a formal marital relationship between the parents.<sup>166</sup>

### *Lack of Long-Term, Subsidized Housing for Victims of Violence*

The government should consider passing legislation that would provide greater assistance and access to socially affordable housing to vulnerable people. While existing legislation focuses already on the disabled and elderly, the government has so far resisted calls from activists to expand it to include women who have survived domestic violence.<sup>167</sup>

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<sup>164</sup> Human Rights Watch telephone interview with Shahnoza S., Kulob, February 9, 2019.

<sup>165</sup> Human Rights Watch telephone interview with Mohsafar M., Varzob, February 7, 2019.

<sup>166</sup> See “Breaking Barriers: Challenges to Implementing Laws on Violence Against Women in Afghanistan and Tajikistan with special consideration of displaced women,” p. 59, <https://cgrs.uchastings.edu/Breaking-Barriers>.

<sup>167</sup> Human Rights Watch telephone interview with domestic violence expert, name withheld, Dushanbe, February 3, 2019.

“In addition to building and regulating shelters, the government should create an affordable housing fund for vulnerable persons and provide a specific quota for victims of domestic violence,” an international expert who works on domestic violence issues in Tajikistan told Human Rights Watch. “Affordable housing should be accessible to a much larger segment of the population and information on how to apply for it must be made available. Dealing with the psychological fallout and legal issues for women surviving domestic violence is only the beginning. A victim’s financial and employment challenges need to be addressed as well. Once a woman can provide for herself, she begins to feel more valued and able to improve her circumstances.”<sup>168</sup>

## Fears of Losing Custody of Children

Fear of losing children can be another barrier to survivors of domestic violence seeking help. In Tajikistan’s highly patriarchal society, where the wife typically moves into the home of her husband’s family and occupies a lower social status in the family unit, many survivors may fear that leaving an abusive relationship would result in losing custody of her children.<sup>169</sup>

Gulnoza G. lived in northern Tajikistan and endured an abusive relationship with her husband for many years. She married him as his second wife in a religious ceremony and the two did not obtain civil registration of the marriage. After one violent beating, Gulnoza’s husband broke her arm. She left their home in northern Tajikistan and sought help from an NGO that assists victims of domestic violence but was unable to bring her teenage son.

“I was in a cast for two months,” said Gulnoza. “My husband came to Dushanbe and begged me to come back home to Penjikent. I went back. But within days he was at it again. After he almost killed me, I came back to Dushanbe. But my husband refuses to let my son leave. He won’t even let my son speak with me.” When Human Rights Watch interviewed Gulnoza she was staying in a shelter in Dushanbe and her husband was still prohibiting any contact between she and her son. Lawyers at the shelter were unable to

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<sup>168</sup> Ibid.

<sup>169</sup> Human Rights Watch telephone interview with NGO representative, Nodira N., Dushanbe, July 21, 2015.

assist her in fighting a protracted custody battle in the courts due to lack of resources, and Gulnoza had given up hope of regaining access to her son.<sup>170</sup>

Nargiz N. was married in 1995 to her husband in an officially registered marriage. The couple had three children together and resided in Shaartuz, a city in southwestern Tajikistan. “He beat me for years,” said Nargiz, who stayed with him until 2011, when her husband started a relationship with another woman. “He threw me out of the house and refused to let me set foot on the property. I went to the neighborhood committee [a local governing body] and they told me, ‘We can’t help you. Go to the court.’”<sup>171</sup> Following a court hearing, Nargiz’s husband agreed to let her see the children for one evening only to throw her out of the house again.

Nargiz sought help from *Mehrubon*, the local women’s support center, to petition the court to establish her 50 percent ownership of the couple’s home and to recognize her child custody rights. Nargiz told Human Rights Watch that the local district court failed to rule on her petition, or even set a hearing, for more than a year after she filed. “I suspect that my husband, who is a wealthy and influential man, may have bribed the court to ignore my case,” she said. While Human Rights Watch was unable to confirm why the case was delayed, the ordeal meant that she could not see her children for almost four years.

The experience of Anakhita A., a survivor of domestic violence in Dushanbe, similarly illustrates how the fear of losing custody can be a major obstacle to implementing the protections of the Family Violence Law. Of her abusive spouse, Anakhita said, “When he beat me, I didn’t know what to do. I put up with everything because I wanted my five children to have a father and a roof over their heads. It’s why I returned to him even after fleeing his violence earlier.”<sup>172</sup>

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<sup>170</sup> Human Rights Watch interview with Gulnoza G., Dushanbe, July 21, 2015.

<sup>171</sup> Human Rights Watch interview with Nargiz N., Shaartuz, July 22, 2015.

<sup>172</sup> Human Rights Watch interview with Anakhita A., Dushanbe, July 25, 2015.

## Lack of Post-Divorce Remedies and Long-Term Solutions for Women

Some of the most serious obstacles survivors of domestic violence face in Tajikistan are the absence of long-term, post-divorce remedies such as access to subsidized housing and the inability to enforce alimony payments.<sup>173</sup> As Mavzuna M., from Khujand, said of her husband, “He stopped paying alimony two years ago. No one monitors whether he pays. Court enforcers don’t keep him under control.”<sup>174</sup>

Another important barrier to justice is rooted in Tajikistan’s property code, which retains a Soviet era-provision on the division of marital property known by the Russian term *vselenie* (“Settlement into all or part of a domicile”), which frequently leads to domestic violence survivors living with their former husbands or partners.

### *Vselenie*

“The conflicts and violence come quick in this situation. It is like putting a sheep back into the wolves’ den!”<sup>175</sup>

*Vselenie* refers to a legal remedy wherein a court, in dividing marital property following a divorce, awards a portion of the domicile owned by a husband or third party, often the husband’s parents, to a former spouse and her children. This option is often pursued in Tajikistan due to the lack of affordable housing for women who make the choice to leave their abusers. In practical terms, *vselenie* means the women and her children, if she has custody over them, are granted a room or small area within the house of her husband and in-laws in which to reside. Lawyers, advocates, and survivors of domestic violence pointed to *vselenie* as one of the most problematic aspects of domestic violence in Tajikistan for several reasons.

Under *vselenie*, a divorced woman is forced to live in the same house as her ex-husband and abuser, the husband’s mother and father, or other siblings and relatives of her ex-

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<sup>173</sup> Tajikistan’s State Statistics Committee reported approximately 9,000 new cases of divorce in 2016. See “Tajikistan Eyes Prenuptial Pacts as Answer to Destitute Divorcees,” Radio Free Europe/Radio Liberty, February 2, 2017, <https://www.rferl.org/a/tajikistan-divorce-prenuptial-agreements/28275664.html>.

<sup>174</sup> Human Rights Watch interview with Mavzuna M., Khujand, July 29, 2015.

<sup>175</sup> Human Rights Watch interview with psychologist at women’s shelter that works with victims of domestic violence, Khujand, July 29, 2015.

husband. Human Rights Watch documented at least 10 cases where the divorced spouse and multiple children lived in the same house as her ex-husband with his second or third wives. As several experts and survivors pointed out, putting a victim of domestic violence under the same roof as her abuser following a divorce creates enormous tension and potentially increases a woman's susceptibility to additional violence.

A lawyer with several years of experience representing women in divorce proceedings echoed the words of one domestic violence survivor Human Rights Watch met. "After divorce, the wife is assigned property in the house of former in-laws and the problems that were there before grow even worse."<sup>176</sup>

Kurbongul K. moved into an apartment with her husband, his parents, two sisters and two brothers following their marriage in 2007. "From the beginning, my relationship with him grew very tense because he drank a lot and would often cause a scene. He hit me on the legs and head, leaving scars, and even fractured one of my hands. He sometimes beat our kids up against the wall."<sup>177</sup>

Once Kurbongul's husband realized that their youngest had a disability in 2015, the situation grew even worse, with her husband regularly drinking himself into a rage in the evenings. "People kept telling me that if we lived separately things would improve."<sup>178</sup>

After years of resistance from her parents and her husband's in-laws, Kurbongul filed for divorce in 2017, and sought to obtain compensation that would allow her to live on her own. But even on a teacher's salary and with supplemental income from crafts that she produced, Kurbongul did not earn enough to rent her own apartment. At the divorce hearing, the court directed her husband's in-laws to provide her a segment of their property where she and their children could reside.<sup>179</sup>

"After the divorce and the *vsele nie* my husband and his parents became even angrier," Kurbongul said. "He came home once after a long night of drinking, grabbed some pieces of cement from our yard, and started throwing them at my face. A few of them hit me and

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<sup>176</sup> Human Rights Watch interview with lawyer (name withheld), Dushanbe, August 1, 2015.

<sup>177</sup> Human Rights Watch telephone interview with Kurbongul K., Bokhtar, February 5, 2019.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

caused my teeth to loosen.” Ever since, Kurbongul has had difficulty eating and drinking. The scars on her face also made it harder for her to retain her work as a teacher because of her appearance. She and her children have since moved back in with a brother.<sup>180</sup>

While no official statistics are available on the number of violent incidents which have occurred in this situation, five lawyers and eight activists Human Rights Watch spoke with stated that some of the worst cases of domestic violence they had encountered, including murders, had occurred in cases of *vselenie*. One lawyer referenced a case in 2015 of a 23-year-old woman divorcee and victim of repeated domestic abuse who was stabbed by her former father-in-law while residing in her former husband’s parents’ home pursuant to a *vselenie* order.<sup>181</sup>

Lawyers also said that ex-husbands, former in-laws and other relatives had, in their experience, an incentive to engage in abuse against the former wife as a way of forcing her to leave the property.<sup>182</sup>

In other cases of *vselenie*, survivors of domestic violence told Human Rights Watch that the areas courts awarded to them in the house of their in-laws were incredibly small and cramped spaces, especially with multiple children. Sometimes abusers and their in-laws retaliate against a former spouse by blocking access to the kitchen or bathroom facilities.

“I had no other choice than to resettle right back into the home of my ex-husband, my abuser,” Shahnoza S., a survivor of domestic violence who divorced her husband told Human Rights Watch, “I needed a place for my two sons to live. All our possessions were there, and we had nowhere else to go.”<sup>183</sup> The court awarded Shahnoza and her two children one small room in the larger household. It further awarded joint use of the bathroom and kitchen, which created serious friction and further conflict. Shahnoza told Human Rights Watch that her ex-husband would block off access to the bathroom and kitchen. “We were forced to use an outhouse away from the main house and I would have

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<sup>180</sup> Ibid.

<sup>181</sup> Human Rights Watch interview with lawyer, Dushanbe, August 1, 2015.

<sup>182</sup> Human Rights Watch telephone interviews with three Dushanbe-based lawyers, Dushanbe, February 6, 2019.

<sup>183</sup> Human Rights Watch interview with Shahnoza S., Khujand, July 29, 2015.

to go back to my parents' house once a week to take a shower. The court has not monitored what happened with its decision.”<sup>184</sup>

Perhaps most problematically, as Human Rights Watch heard from other experts, the joint use of property following divorce in cases where there has been domestic violence can spur further, worse violence. Shahnoza reported that during the period of joint use of the bathroom and kitchen, her ex-husband began to beat her and her children again.<sup>185</sup>

Tajik authorities should amend the provisions relating to *vselenie* in Tajikistan's property code and, as noted above, invest resources into the construction of subsidized, long-term housing for vulnerable segments of the population, including survivors of domestic violence. In cases where former spouses are assigned to cohabit with their abusers, police and CWFA representatives should monitor those situations closely, regularly paying visits to the parties.

## Harmful Practices – Polygamy and Forced, Early and Unregistered Marriages

In Tajikistan there are harmful, discriminatory practices that both contribute to domestic violence and impede survivors from seeking help. Although polygamy is prohibited under Tajikistan's criminal law, it is a practice that continues in many of Tajikistan's communities and in 2018, the CEDAW Committee noted its concern with the “high incidence of polygamous unions, child and forced marriages and the decline in the official registration of marriages” in Tajikistan.<sup>186</sup>

### *Polygamy*

At least one-third of the women Human Rights Watch interviewed cited polygamy as a key factor in the violence they had endured, often because a husband's plan to take a second wife led to arguments that erupted into violence. According to one 2007 study, over 90 percent of marriages in Tajikistan included more than one wife.<sup>187</sup> The illegal status of

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<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> CEDAW, *Concluding observations on the 6th periodic report of Tajikistan*, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En) (Nov. 14, 2018), p. 45(b).

<sup>187</sup> Lauryn Oates, *Tajikistan: A Fundamental Concern*, Herizons 32 (2007). Due to the fact that polygamy is illegal, the state does not systematically collect data on the number of polygamous marriages or relationships that might exist in the country.

polygamy makes it difficult to obtain more recent reliable data on polygamy. A psychologist in Bokhtar told Human Rights Watch that, based on her observations, “polygamous marriages are on the rise in our area and the government is not doing enough to fight it.”<sup>188</sup>

“Very often we see domestic violence in families with polygamy,” said Zuhra Z., a social worker working in a state women’s consultation center in the Khatlon region.<sup>189</sup> “I lived in one house with my husband, his first wife, and her child,” said Zulayho Z., a survivor of domestic violence in Shaartuz. “He promised to build another house for me but ended up keeping me in a shed, like a slave. He denied me clothing, food.”<sup>190</sup>

A service provider who runs a women’s crisis center in Tajikistan’s southern Khatlon province told Human Rights Watch that, according to their unofficial estimates, approximately two-thirds of men in the region had entered into marriages with more than one wife, although the second and sometimes third wives were in unregistered marriages.<sup>191</sup> Consequently, she said, “many women who come to our organization for consultations have no documentation of their marriage to confirm their status or allowing them to protect themselves.”<sup>192</sup>

Explaining the prevalence of bigamy and polygamy in her community, Dilbar D., director of a women’s crisis center in southern Tajikistan said, “If a family does not have enough money or food to provide for their children, then a girl can be married off to become a second or third wife, thereby displacing the economic burden from the family.”<sup>193</sup>

The CEDAW Committee has called for prohibition of polygamy due to its disproportionately negative impact on women and the fact that it undermines gender equality. The committee

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But experts, activists, and academics estimate that the number has only increased since 2007, as conservative interpretations of Islam have become more prominent and economic conditions have continued to worsen in the republic.

<sup>188</sup> Human Rights Watch interview with psychologist Nodira N., Bokhtar, July 22, 2015.

<sup>189</sup> Human Rights Watch interview with social worker Zuhra Z., Bokhtar, July 22, 2015.

<sup>190</sup> Human Rights Watch interview with Zulayho Z., Shaartuz, July 23, 2015

<sup>191</sup> A 2007 study found that over 90 percent of marriages in Tajikistan include more than one wife. Lauryn Oates, *Tajikistan: A Fundamental Concern*, Herizons 32 (2007).

<sup>192</sup> Human Rights Watch interview with Manizha M., representative of “Dilafruz” women’s crisis center, Bokhtar, July 22, 2015.

<sup>193</sup> Human Rights Watch telephone interview with Dilbar D., director of a women’s crisis center, Kulob, April 4, 2019.

has noted “the grave ramifications of polygamy for women’s human rights and economic well-being and those of their children.”<sup>194</sup>

### *Forced, Early and Unregistered Marriages*

Forced, early, and unregistered marriages increase women’s and girls’ vulnerability to domestic violence. Such marriages exacerbate women’s economic dependence and isolation. While child marriage in itself may be a form of family violence when arranged by family members, research also demonstrates a strong correlation between earlier marriage and greater risk of experiencing spousal violence.<sup>195</sup>

Forced and early marriage may not be registered initially because they are illegal, and some remain unregistered to avoid detection. Some legal marriages performed through religious ceremonies remain unregistered with civil authorities, depriving spouses of protections under the Family Code.

Although Tajikistan’s Family Code guarantees rights to marital property for spouses, loopholes may prevent women from realizing this benefit.<sup>196</sup> Despite recent efforts by government to reduce this trend, couples in Tajikistan, especially in rural areas, often marry exclusively in religious (*nikoh*) ceremonies. Without the benefit of civil registration, these marriages are not recognized by the state. Under national law, women in unregistered marriages are not entitled to marital property or other rights afforded a spouse, such as alimony and child support.

According to the staff at women’s resource centers from the Gorno-Badakhshan autonomous oblast, Garm, and Kulob, some women do not realize that religious marriages

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<sup>194</sup> CEDAW Committee, General Recommendation No. 29, Economic consequences of marriage, family relations and their dissolution, CEDAW/C/GC/29, February 26, 2013, [http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1_en.pdf) (accessed on August 14, 2019), para. 27.

<sup>195</sup> A study across seven countries found that girls who married before the age of 15 were more likely to experience spousal abuse than women who married after 25. This correlation was clear in all seven countries, but there was significant variation between countries in the extent to which early marriage was linked to greater risk of spousal violence. For example, in India and the Dominican Republic, the two countries with the strongest correlation, women who married before age 15 were more than three times more likely to have experienced spousal abuse in the previous 12 months than women who had married over age 25 (17.3 percent versus 4.4 percent in the Dominican Republic, and 13.6 percent versus 4.2 percent in India). Sunita Kishor and Kiersten Johnson, “Profiling Domestic Violence: A Multi-Country Study,” Measure DHS+ ORC Macro, <http://dhsprogram.com/pubs/pdf/od31/od31.pdf> (accessed August 14, 2019), p. 29.

<sup>196</sup> Tajikistan Family Code, , para. 7.

are not officially registered and that they therefore do not benefit from protections granted to spouses under the Family Code.<sup>197</sup> The nature of some early and forced marriages can lead to isolation and make seeking help for domestic violence all the more difficult.

In assessing the state response to the issue of early, forced, unregistered, and polygamous marriages in its November 2018 Concluding Observations, the CEDAW Committee called on Tajikistan to eradicate the practice of mandatory check-ups, so-called “virginity tests,” for future brides and take measures to prevent and eradicate child and forced marriages and polygamy, including by establishing mechanisms to detect cases of child and forced marriages and systematically collecting data on the number of complaints, investigations, prosecutions, convictions and penalties imposed with regard to the prohibition on child, forced, bigamous and polygamous marriages.<sup>198</sup>

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<sup>197</sup> Human Rights Watch telephone interviews with NGO representatives in the Gorno-Badakhshan Autonomous Oblast (GBAO), Garm, and Kulob, November 8 and 9, 2018.

<sup>198</sup> Ibid. CEDAW, Concluding observations on the 6th periodic report of Tajikistan, [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En) (Nov. 14, 2018), p. 46(b).

## V. Tajikistan’s Constitutional and International Legal Obligations

The Tajikistan government’s failure to protect women and girls from domestic violence, offer adequate services, and ensure access to justice is not only a violation of binding international human rights obligations, but a failure to fulfil its obligations under Tajikistan’s national constitution.

Tajikistan is a party to several international human rights treaties relevant to domestic violence. Key among these is CEDAW, which Tajikistan ratified in 1993. The convention calls on states to take a number of measures to prevent and prohibit discrimination on the basis of sex, including by private actors, so as to ensure women’s full enjoyment of their human rights.<sup>199</sup>

Tajikistan has also ratified other treaties that contain provisions relevant to domestic violence, including the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of Persons with Disabilities (CRPD).<sup>200</sup> These include provisions on the rights to life, health, physical integrity and freedom from cruel, inhuman, or degrading treatment or punishment, non-discrimination, protection of family and home life, an adequate standard of living, including housing, and access to a remedy.

The CEDAW Committee has stated that “[f]amily violence is one of the most insidious forms of violence against women” and that such violence presents risks to women’s health and

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<sup>199</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted Dec. 18, 1979, G.A. res. 34/180, 34 UN GAOR Supp. (no. 46) at 193, UN Doc A/34/46, entered into force September 3, 1981, art. 1.

<sup>200</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (no. 9) at 167, UN Doc. A/44/49 (1989), entered into force September 2, 1990, Tajikistan ratified October 26, 1993, art. 2; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 1) at 52, UN Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, Tajikistan ratified January 4, 1999; International Covenant on Economic, Social, and Cultural Rights adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 UN GAOR Supp. (No. 6) at 52, UN Doc. A/6316 (1966) 993 U.N.T.S. 3, entered into force January 3, 1976, Tajikistan acceded January 4, 1999; Convention on the Rights of Persons with Disabilities, adopted December 13, 2006, G.A. Res. 61/106, entered into force May 3, 2008, Tajikistan ratified March 22, 2018, art. 16.

ability to fully participate in private and public life.<sup>201</sup> The CEDAW Committee's General Recommendations No. 19 and No. 28 make clear that gender-based violence is considered a form of discrimination and may be considered a violation of CEDAW, whether committed by state or private actors.<sup>202</sup>

The CEDAW Committee has specifically called on states to combat domestic violence. It has called for the implementation of laws on domestic violence, for provision of services to protect and support survivors, and training of state officials, including judicial and law enforcement personnel, to properly enforce such measures.<sup>203</sup> Moreover, it clearly recommends that states establish or support services for survivors of domestic violence, including in rural or isolated areas.<sup>204</sup>

CEDAW calls for action, including legislation, to require mandatory registration of all marriages by the state, whether conducted by religious or civil authorities.<sup>205</sup> The UN Human Rights Council (UNHRC) has urged states to ensure access to marriage registration, including for customary or religious marriages.<sup>206</sup> CEDAW and other treaties guarantee the right to enter into marriage only by choice and with free and full consent, and provide that marriage of a child has no legal effect.<sup>207</sup> The CEDAW Committee has emphasized the importance of prohibiting forced marriage, stating that “[a] woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being.”<sup>208</sup>

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<sup>201</sup> Committee on the Elimination of Discrimination against Women, General Recommendation No. 19, Violence against Women, (Eleventh session, 1992), art. 23. Compilation of General Recommendations and General Comments adopted <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19> (accessed July 19, 2019), art. 16.

<sup>202</sup> *Ibid.*; CEDAW Committee, General Recommendations No. 28, on the core obligations of State parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, UN Doc CEDAW/C/GGC/28 (December 16, 2010) para. 19.

<sup>203</sup> CEDAW Committee, General Recommendations No. 19, para. 24b.

<sup>204</sup> *Ibid.*, paras. 24(k), 24(o).

<sup>205</sup> CEDAW art. 16.2; see also CEDAW Committee, General Recommendation No. 29 (2013), Economic consequences of marriage, family relations and their dissolution, paras. 25 and 26; and CEDAW Committee, General Recommendation No. 21 (13th Session, 1994), Equality in marriage and family relations, <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom21> (accessed August 5, 2019), para. 39.

<sup>206</sup> UN Human Rights Council (HRC), Resolution 29.8: Strengthening efforts to prevent and eliminate child, early, and forced marriage, Twenty-ninth session, UN Document A/HRC/29/L.15, July 1, 2015, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/29/L.15](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/L.15) (accessed October 13, 2015), para. 7.

<sup>207</sup> CEDAW art. 16.1(b), 16.2; ICESCR, art. 10.1.

<sup>208</sup> General Recommendation No. 21, para. 16.

With regard to marital property, the CEDAW Committee has commented on the importance of protecting the property rights of women in unregistered marriages or unmarried partner relationships. It has called for the amendment of laws that do not guarantee equal rights to property acquired during a de facto relationship.<sup>209</sup> CEDAW also guarantees nondiscrimination in provision of health care and social services for rural women.<sup>210</sup>

International human rights instruments recognize that social and cultural norms may be linked to attitudes and behaviors that are harmful to women and girls. CEDAW calls on states to modify or abolish customs and practices that discriminate against women, and also to take measures to change patterns of conduct of men and women, with a view to eliminating prejudices and practices based on the idea of inferiority or superiority of either of the sexes or stereotyped gender roles.<sup>211</sup> This includes polygamy, which the CEDAW Committee has stated “contravenes a woman’s right to equality with men and can have such serious emotional and financial consequences for her and her dependents that such marriages ought to be discouraged and prohibited.”<sup>212</sup>

In addition, the CEDAW Committee has called on Tajikistan to “[e]nsure that all women and girls have access to an effective, confidential and gender-sensitive complaint mechanism... [p]romote and ensure the accessibility of free, gender-sensitive legal aid for women with insufficient means, including women belonging to disadvantaged groups.” Moreover, it should “[s]trengthen the independence and effectiveness of the judiciary to investigate, prosecute and punish violations against women and ensure that the courts adequately address intersecting forms of discrimination.”<sup>213</sup>

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<sup>209</sup> General Recommendation No. 21, para. 33.

<sup>210</sup> CEDAW, art. 14.

<sup>211</sup> CEDAW Committee, arts. 2(f) and 5(a).

<sup>212</sup> CEDAW Committee, General Recommendation No. 29, Economic consequences of marriage, family relations, and their dissolution, CEDAW/C/GC/29, February 26, 2013, [http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/comments/CEDAW-C-52-WP-1_en.pdf) (accessed August 10, 2019), para. 27.

<sup>213</sup> CEDAW, Concluding observations on the 6th periodic report of Tajikistan, para. 14 (b) and (c), [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/TJK/CO/6&Lang=En) (Nov. 14, 2018).

## Istanbul Convention

The CoE Convention on Preventing and Combatting Violence against Women and Domestic Violence, known as the Istanbul Convention, entered into force in 2014.<sup>214</sup> The convention expressly provides for the ratification by states that are not members of the CoE, such as Tajikistan. At time of writing, 34 CoE countries had ratified the convention and an additional 12 had signed it, pending ratification, and reported they were working towards completion of the ratification process. The EU had also taken steps towards ratification. At time of writing, no non-CoE states have ratified the treaty.<sup>215</sup>

The Istanbul Convention covers all forms of violence against women, including domestic violence, rape, sexual assault, sexual harassment, stalking, and forced marriage. The Convention is notable for setting strong standards on prevention of and response to violence against women, with specific measures for addressing domestic violence. These include guidelines on protection orders and provision of shelter and other services. The Convention also prioritizes accountability and prosecution of perpetrators, even in cases where victims withdraw complaints. In addition, it requires states to take sustained measures to change attitudes and practices conducive to violence against women.

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<sup>214</sup> “Chart of signatures and ratifications of Treaty 210: Council of Europe Convention on preventing and combating violence against women and domestic violence,” Council of Europe, <https://www.coe.int/fr/web/conventions/full-list/-/conventions/treaty/210/signatures> (accessed July 19, 2019).

<sup>215</sup> Ibid.

## Acknowledgments

This report was researched and written by Steve Swerdlow, senior researcher in the Europe and Central Asia Division of Human Rights Watch.

Steve Swerdlow conducted interviews for the report. Viktoriya Kim, assistant researcher in the Europe and Central Asia Division, also conducted several interviews for the report. Deborah Teslyar, intern in the Europe and Central Asia Division, also provided valuable research assistance.

The report was edited by Hugh Williamson, director of the Europe and Central Asia Division and by Tom Porteous, deputy program director in the Program Office. It was reviewed by Hillary Margolis, senior researcher on women's rights. Philippe Dam, Europe and Central Asia Division advocacy director, reviewed and provided comments on the summary and recommendations. Aisling Reidy, senior legal advisor at Human Rights Watch, conducted the legal review.

Production assistance was provided by Catherine Pilishvili, Europe and Central Asia division senior associate, Fitzroy Hepkins, administrative manager, and Jose Martinez, senior administration coordinator. Igor Gerbich translated the report from English to Russian.

Human Rights Watch would like to thank the many activists, service providers, analysts, and experts who generously shared their expertise. We regret not naming them but understand that they work closely with the government and need to protect that relationship.

We were moved by the level of passion and organizing among the community of people working to fight domestic violence in Tajikistan, and especially by the many survivors of domestic violence who have become activists fighting for the rights of others.

Our greatest gratitude is to the survivors of domestic violence who shared their stories with us and, often literally, showed us their scars.

# Appendix A

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May 16, 2018

Reference # T-001/18-0516

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Dear Minister Aslov:

Please accept my regards on behalf of Human Rights Watch.

I am writing to kindly ask your assistance in organizing meetings for my colleagues, Mr. Steve Swerdlow and Ms. Viktoria Kim, during the weeks of June 18 and 25, 2018, with representatives of various government agencies to continue a discussion of the research Human Rights Watch is conducting on domestic violence in Tajikistan since 2015, and in providing information and collecting data from relevant government ministries and state agencies related to this research.

As you may know, Human Rights Watch is a nongovernmental organization that monitors human rights in more than 90 countries worldwide. We have been monitoring human rights in Central Asia for over 20 years and have researched and reported on violations of the rights of women in the United Arab Emirates, India, Tanzania, United Kingdom, Nepal, Hungary, Kyrgyzstan in the past years.

Human Rights Watch greatly appreciates the engagement of governments and an exchange of views on this topic.



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My colleagues, Mr. Swerdlow and Mrs. Kim, have travelled to Tajikistan on multiple occasions since 2015 to conduct research on domestic violence and to meet with relevant experts and Tajik government officials. We appreciate having had the opportunity in September 2016 to meet with representatives of numerous Ministries and state agencies tasked with implementing the Family Violence Law, including the Ministry of Internal Affairs, the Women's Committee for Family Affairs, the Ministry of Health, the Prosecutor-General's office, the Ministry of Justice, the Ministry of Foreign Affairs, the Office of the Ombudsman for Human Rights, and the State Committee for Religious Affairs. We would appreciate an opportunity to have a follow up discussion with aforementioned ministries and state agencies.

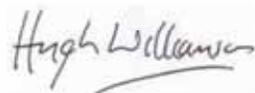
Human Rights Watch makes every effort to ensure that our findings and subsequent report include the Tajik government's perspective and accurately reference the government's efforts to prevent and address family violence against women and girls. To this end, we respectfully ask your Ministry's assistance in liaising with relevant Ministries and state agencies and collecting the information and data specified in the attached document within their mandates. We look forward to receiving your response, as well as any additional comments or materials you and other ministries wish to provide on these issues. We thank you in advance for your assistance in gathering the information.

In order to allow Human Rights Watch adequate opportunity to reflect Tajik government's relevant responses in our report and other materials, we respectfully request your written response to our questionnaire by June 15, 2018.

Please send your response to Ms. Viktoriya Kim at [kimv@hrw.org](mailto:kimv@hrw.org). Feel free to contact me of course, on +49 30 259 30616 or [williaa@hrw.org](mailto:williaa@hrw.org).

Thank you for your attention to this matter.

Yours sincerely,



Hugh Williamson  
Director, Europe and Central Asia Division  
Human Rights Watch

## *SECTION I*

*We kindly ask you to provide answers to the following Questions:*

- Could you kindly describe measures being taken by the key relevant ministries, implementers and bodies to ensure that survivors of domestic violence have access to adequate services and support, including shelter, health, psychosocial, and legal services? Please include any information on efforts to ensure that survivors in rural areas and marginalized groups such as ethnic or religious minorities, former prisoners, alcohol or drug abusers, and HIV-positive women have access to such services.
- Could you kindly describe what referral systems exist in Tajikistan to ensure that survivors of domestic violence are referred to shelter, health, psychosocial, and legal services, including in rural areas? Please also describe any action being taken by the Ministries and state agencies to put such referral systems in place and ensure their implementation and effectiveness. Please list those agencies.
- Could you kindly explain if you are aware of any obstacles survivors of domestic violence may face in accessing state funded services, including shelters, crisis centers, medical care, and legal aid?
- Could you kindly detail the role of relevant Ministries in training government employees, including law enforcement, judicial, medical, and social service personnel, in responding to complaints or allegations of domestic violence? Please describe any such training, and for which employees such training is obligatory. For the government employees for whom the training is not obligatory, please describe under what circumstances they may participate in such training.
- Could you kindly describe any measures being taken and by which Ministries to support the investigation and prosecution of domestic violence cases in accordance with Tajikistan national law? Please explain with specific reference to (1) the Administrative Code and (2) the Criminal Code.
- Could you kindly describe the social benefits to which female survivors of domestic violence—including women divorcees, women living apart from their husbands or partners, and single mothers—are entitled? Please also explain the process through which they can claim such benefits, and any limitations to such benefits.

- Could you kindly explain the policy regarding referral of domestic violence cases reported at medical facilities to police? In particular, could you kindly clarify whether medical personnel are obligated to report cases of domestic violence to police? Are medical personnel obligated to report cases of suspected (but unconfirmed) domestic violence to police? Please specify which policies, directives or memorandums of understanding dictate reporting of domestic violence cases or sharing of information about domestic violence cases between medical personnel and police.
- Could you kindly explain under what circumstance and on what basis it is determined that cases of domestic violence will be reported to police? Do medical personnel request victims' consent prior to informing police? If a victim withholds consent to inform police, how do medical personnel proceed?
- Please describe the steps that are taken after medical personnel inform police about a case of domestic violence. How do medical personnel and police approach and follow up with patients after the case is reported to the police?
- Please describe any plans to train health personnel on these guidelines and the inclusion of domestic violence in such training.

## SECTION II

*Please provide the data specified in the information request below:*

*For each of the following questions, please provide the most recent data available:*

1. Total number of complaints filed (with police) or cases reported (with other agencies) for each of the following types of violence separately.
  - a. Physical violence in a family
  - b. Psychological violence in a family
  - c. Sexual violence in a family
  - d. Economic violence or deprivation of freedom of movement, shelter, food, clothes, and other normal conditions of life
  - e. Marriage under the age of 18
  - f. Coercion into marriage or forced marriage

Please provide the information for questions 2-13 for each of the following forms of violence:

- Physical violence in a family
- Psychological violence in a family
- Rape / sexual coercion by spouse/partner

- Other sexual violence in a family
  - Economic violence or deprivation of freedom of movement, shelter, food, clothes, and other normal conditions of life in the family
  - Marriage under the age of 18
  - Forced/coerced marriage
2. *Number of complaints filed in which victim is:*
    - Female
    - Male
  3. *Number of complaints where the victim is:*
    - Ages 0-17
    - Ages 18-30
    - Ages 31-40
    - Ages 41-50
    - Age 51 or older
  4. *Number of complaints where the victim has a physical or mental disability.*
  5. *Number of complaints where perpetrator is:*
    - a. Spouse, living in the same house
    - b. Spouse, not living in the same house
    - c. Unregistered marriage partner, living in the same house
    - d. Unregistered marriage partner, not living in the same house
    - e. Former spouse, living in the same house
    - f. Former spouse, not living in the same house
    - g. Former partner, living in the same house
    - h. Former partner, not living in the same house
    - i. Parent (mother, father)
    - j. Sibling (brother, sister)
    - k. Other immediate family member (aunt, uncle, cousin, grandparent)
    - l. Mother- or father-in law
    - m. Brother- or sister-in law
    - n. Other family member of spouse or former spouse
    - o. Other family member of partner or former partner
  6. *Total number of complaints that resulted in investigation.*
  7. *Total number of complaints that resulted in initiation of criminal case.*
  8. *Total number of complaints that resulted in arrest of perpetrator.*
  9. *Total number of complaints that resulted in indictment of perpetrator.*
  10. *Total number of complaints that resulted in conviction of perpetrator.*
  11. *Total number of complaints that resulted in acquittal of perpetrator.*
  12. *Total number of physical forensic examinations conducted on victims of domestic violence.*

13. Total number of psychological and psychiatric examinations conducted on victims of domestic violence.
14. Total number of support centers and departments of medical and social rehabilitation for victims of family violence in Tajikistan, including shelter facilities and crisis centers.
15. Total number of support centers and departments of medical and social rehabilitation, including shelter facilities and crisis centers, for victims of family violence receiving support from the government of Tajikistan. Please also list the facilities receiving such support.
16. Total number of support centers and departments of medical and social rehabilitation, including shelter facilities and crisis centers, funded by others. Please also list the facilities receiving such support and their funders.
17. Total number of female police officers in Tajikistan.
18. Total number of female neighborhood police officers in each oblast, separated by oblast.

### Legal Measures

#### Complaints Filed

19. Total number of complaints filed and then withdrawn by the victim of domestic violence
20. Number of complaints dismissed due to lack of evidence.

#### Protection Orders

21. Number of protection orders requested due to family violence.
22. Number of protection orders granted due to family violence.
23. Number of protection orders granted that were then appealed by the perpetrator.
24. Number of protection orders revoked or revised on basis of such an appeal.

#### Cases Prosecuted under the Code of Administrative Responsibilities

##### *Cases prosecuted under Article 93 (1) and (2) of the Code of Administrative Responsibilities (Domestic Violence and Violation of a Protection Order)*

25. Number of cases prosecuted under Article 93, part 1 and 2 of the Administrative Code.
26. Number of these cases resulting in convictions, administrative fines and/or administrative detention.

#### Cases prosecuted under the Criminal Code

##### *Cases prosecuted under Article 104 of the Criminal Code (Killing)*

27. Number of cases of family violence prosecuted under Article 104 of the Criminal Code.
28. Number of these cases resulting in convictions.
29. Number of these cases resulting in sentences.

**Cases prosecuted under Article 106 of the Criminal Code (Homicide Committed in a State of Sudden Strong Mental Agitation)**

30. Number of cases of violence in the family prosecuted under Articles 106 of the Criminal Code.
31. Total number of these cases in which woman is accused of killing or injuring her partner or spouse in self-defense.

**Cases prosecuted under Article 109 of the Criminal Code (Reducing to Suicide)**

32. Number of cases of family violence, in which a victim of domestic abuse was driven to commit suicide, prosecuted under Article 109 of the Criminal Code.

**Cases prosecuted under Article 116 of the Criminal Code (Beatings)**

33. Number of cases of family violence prosecuted under Article 116 of the Criminal Code
34. Number of these cases resulting in convictions

**Cases prosecuted under Article 117 of the Criminal Code (Torture)**

35. Number of cases of family violence prosecuted under Article 117 of the Criminal Code.
36. Number of these cases resulting in convictions.
37. Number of these cases resulting in sentences of imprisonment.

**Cases prosecuted under Article 138 of the Criminal Code (Rape)**

38. Number of cases of sexual violence in the family prosecuted under Article 138(1) of the Criminal Code (Rape).
39. Number of these cases resulting in convictions.
40. Number of these cases resulting in sentences of imprisonment.

**Cases prosecuted under Article 170 of the Criminal Code (Bigamy and Polygamy)**

41. Number of cases prosecuted under Article 170 of the Criminal Code (Bigamy and Polygamy).
42. Number of these cases resulting in convictions.

**Cases prosecuted under Article 168 of the Criminal Code (Giving in marriage of a girl below the minimum age of marriage)**

43. Number of cases prosecuted under Article 168 of the Criminal Code

**Cases Involving the Family Code**

**Article 13 (Marriage Age)**

44. Total number of requests to the court to permit marriage of those below the age of 18.
45. Total number of these requests granted by the court.

**Article 22 (Dissolution of marriage by an order of a court if one of the spouses does not agree to the dissolution)**

46. Number of women who filed for divorce on grounds including family violence and were granted divorce.
47. Number of victims of family violence who filed for divorce and were instructed to observe a waiting period prior to granting divorce.

**Article 24 (Conflicts resolved by a court in a marriage dissolution legal procedure)**

48. Number of cases in which court determined that the woman was not entitled to joint property due to lack of civil registration of marriage.
49. Number of cases in which the court determined that the woman was entitled to alimony payments due to dependence on spouse or inability to work.
50. Number of cases in which court determined that the woman was not entitled to alimony due to lack of civil registration of marriage.

**Referral to Services**

51. Total number of victims filing complaints for family violence with police who were referred by police to crisis centers, shelters or safe spaces, health services, and/or legal services.
52. Total number of victims filing complaints for family violence with police who were referred by police for a forensic examination.
53. Total number of cases of domestic violence registered at health facilities (health centers, polyclinics, hospitals, other medical clinics) and were then referred to police and/or crisis centers, shelters, legal services.
54. Number of cases in which court ordered perpetrator to provide payment or reimbursement for cost of victim's medical expenses.

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March 26, 2019

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Dear Honorable Minister Muhriddin,

Please accept my highest regards on behalf of Human Rights Watch.

I am writing to request your assistance in facilitating the visit of a Human Rights Watch delegation, composed of my colleagues, Hugh Williamson, Europe and Central Asia Director, Mr. Steve Swerdlow, Human Rights Watch's Tajikistan Researcher, and Ms. Viktoriya Kim, Assistant Researcher, in order to meet with you and the Ministry of Foreign Affairs, and other relevant agencies of the government of Tajikistan in Dushanbe in June 2019.

I want to thank you for having a high-level delegation of your Ministry and other government agencies meet with Mr. Hugh Williamson and Mr. Steve Swerdlow on September 12, 2018 on the sidelines of the Human Dimension Implementation Meeting (HDIM) of the Organization for Security and Cooperation in Europe (OSCE). My colleagues Steve Swerdlow and Viktoriya Kim also earlier met with your Ministry's International Organizations Department in September 2016 in Dushanbe.

At the meetings we would like to discuss human rights and the opportunities for Human Rights Watch and your government to cooperate more closely in Tajikistan.

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For example, Human Rights Watch is pleased to note the steps the Government of Tajikistan has taken to improve the protection of women and girls, including the passage in 2013 of the Law on the Prevention of Violence in the Family. We would like to have the opportunity to discuss these efforts by the government so that we may reflect them in Human Rights Watch's upcoming report on this topic in addition to other topics of mutual interest.

As you know, Human Rights Watch is an independent organization dedicated to protecting human rights. We conduct objective, rigorous field research in more than 90 countries worldwide and produce reports on our findings to raise awareness about human rights issues and to develop and promote policy recommendations for change. We are committed to producing material that is well-informed and objective. Our work spans a range of issues, including economic, social, cultural, civil, and political rights issues.

Human Rights Watch has conducted research on Tajikistan for over two decades, establishing one of our organization's first field offices in Dushanbe in 1996, which operated until 2000. The Ministry of Foreign Affairs, along with several agencies of the government, plays an important role in fulfilling the government's international human rights obligations. We would appreciate your support in facilitating meetings between our delegation and your Ministry, the Ombudsperson for Human Rights, the Committee on Women and Family Affairs, the Ministry of Internal Affairs, and the General Prosecutor's office and to discuss our desire to work in Tajikistan.

Some of the topics to be discussed in our meetings would include: statistical information on how crimes related to domestic violence have been prosecuted and methods through which the government is implementing the 2013 law on the prevention of violence in the family; recommendations regarding international human rights commitments on torture, freedom of expression and freedom of religion; and examples of successful cooperation and constructive dialogue between Human Rights Watch and governments in Central Asia, Russia, and the wider region of Europe and Central Asia. While we understand that we may not always agree on every issue, we seek the opportunity to engage in a constructive, regular dialogue with the government of Tajikistan, as we have successfully been able to do with the government in previous years.

We would like to visit Tashkent beginning on June 7, 2019. We kindly ask you to issue Steve Swerdlow a business visa to visit Tajikistan between June 6 and June 23. During his travels to Tajikistan, Mr. Swerdlow will be accompanied by Hugh Williamson, who has already received his visa. As Mr. Swerdlow is the country representative for our work in Tajikistan, his presence on this and future missions is of critical importance to our work. I

kindly ask for your assistance in facilitating the issuance of his visa. Ms. Kim is a national of Kazakhstan and does not require a visa.

We believe it is very important to have a constructive dialogue with the government of Tajikistan and we sincerely hope the government will issue the visa to Mr. Swerdlow.

Please do not hesitate to contact me with any questions by phone at +1-212-616-1801 or by email at [rothk@hrw.org](mailto:rothk@hrw.org). Mr. Williamson can be contacted in Berlin at +49-30-259-306-16 or by email at [williaa@hrw.org](mailto:williaa@hrw.org). Mr. Swerdlow can be contacted by email at [swerdls@hrw.org](mailto:swerdls@hrw.org) or +1-917-535-0375.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Roth', written in a cursive style.

Kenneth Roth  
Executive Director  
Human Rights Watch

# “Violence With Every Step”

## Weak State Response to Domestic Violence in Tajikistan

Domestic violence affects at least one out of five women in Tajikistan, taking a devastating toll on the lives of women and girls from all regions and backgrounds. Yet state authorities are failing to tackle this epidemic of abuse effectively by not providing adequate protection, services, or access to justice for survivors.

Based on over 80 interviews, including with 55 survivors of domestic abuse, *“Violence With Every Step”*: *Weak State Response to Domestic Violence in Tajikistan* documents prolonged severe domestic violence, usually perpetrated by husbands or partners. Women described abuse including rape, strangulation, beatings with sharp and heavy objects, being suspended from the ceiling for hours, public humiliation, stabbing, and withholding food and access to the bathroom.

Tajikistan adopted a law on the prevention of violence in the family in 2013 and has taken important steps to address domestic violence. But, as this report documents, significant gaps remain in the government’s response to such abuse. The law does not criminalize domestic violence and many officials push survivors to reconcile with their abusers. Survivors said authorities often refuse to register or investigate complaints, fail to issue or enforce protection orders, and treat domestic violence cases as minor offenses. Other survivors said they withdrew or never filed complaints due to pressure and fear and perpetrators of serious, persistent violence are rarely prosecuted. There are far too few domestic violence shelters in Tajikistan to accommodate the number of domestic violence survivors, especially in rural or mountainous parts of the country, and longer-term housing solutions are badly needed. Inadequate shelter and other services frequently leave survivors feeling that they have nowhere to turn.

With the United Nations and other international partners committed to supporting Tajikistan’s efforts to address domestic violence, this is a critical time for national authorities to tackle this life-threatening problem.

Human Rights Watch calls on the government to strengthen its domestic violence legislation to ensure protection and accountability. Police, prosecutors, and judges should investigate and prosecute domestic violence. The government should also ensure that survivors across Tajikistan can access shelter, health, psychosocial, and legal services.



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