Domestic violence in Tajikistan: time to right the wrongs

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

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

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

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

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

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

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

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

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

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