

OSCE sub-regional expert meeting on eliminating violence against women and girls



REPORT

In 2020, the OSCE Gender Issues Programme conducted a series of sub-regional expert meetings¹ in order to take stock of progress towards fulfilment of OSCE commitments on preventing and combating violence against women and girls (VAWG)².

The meetings focused on two central themes:

- (1) the justice system response to VAWG and**
- (2) services and support provided to survivors of violence.**

The aim of each meeting was to exchange information and to identify areas of progress as well as persistent challenges. The experts' views and recommendations will ultimately contribute to shaping initiatives within the OSCE's multi-year WIN- Women and Men Innovating and Networking for Gender Equality programme and also to overall organizational strategic planning to address the

elimination of VAWG across the OSCE region. Many experts shared information about experiences of addressing VAWG during lockdown and quarantine periods taken to contain the spread of the novel coronavirus COVID-19. Observations from the health pandemic proved to be relevant not only to emergency and crisis situations but also as lessons learned for improving the general response to VAWG.

The first sub-regional meeting (held online, **22 October 2020**) brought together around 70 participants (90 per cent women) from six participating States: **Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, Turkmenistan and Uzbekistan**. The experts represented civil society organisations (CSOs), State institutions, law enforcement and the justice sectors, OSCE structures (the Secretariat, ODIHR and field offices) and international organization partners (UN Women, UNFPA).

¹ For Central Asia and Mongolia, Eastern Europe and South East Europe.

² The key commitments are contained in OSCE Ministerial Council decisions on Preventing and Combating Violence Against Women from 2005, 2014 and 2018.

SESSION 1:

LAW ENFORCEMENT, JUSTICE SYSTEM RESPONSE TO VIOLENCE AGAINST WOMEN AND GIRLS

Although the topic of the meeting was not limited to domestic violence, in fact this form of VAWG was the focus of the expert presentations. This is a reflection of where the most progress has been made in terms of improving the law enforcement and justice system responses.

The participants highlighted advancements made at the institutional level in **strengthening the legal base** for addressing domestic violence. **Stand-alone laws** focusing on prevention and protection have created new mechanisms to increase the safety of victims/survivors of domestic violence, namely by introducing protection orders. As is the case in Kyrgyzstan, some legal mechanisms permit the police to issue a protection order without requiring a victim's application. If the protection order is extended, due to repeated violence, the police also have the authority to require the perpetrator to attend a behavioural change programme (currently functioning in Bishkek and Osh). Legislation in the region also tends to formalise systems for multi-agency cooperation.



The experience of adopting the protective order ... has been significant. ...The practice of issuing protective orders has very much helped [the police] to protect women from violence.

- Ministry of Internal Affairs representative

The adoption of laws is an important step. However, the experts noted that comprehensive legal frameworks to combat VAWG, and domestic violence in particular, have still not been established. In some cases, national legislation is not fully aligned with stand-alone laws on VAWG. Despite progress, criminal law and criminal procedure are still not sufficiently responsive to the specifics of VAWG nor do they incorporate **victim-centred approaches** at all stages of legal proceedings.

The experts highlighted a number of critical **gaps in criminal law** that concern the tendency to minimise the serious nature of domestic violence. Specific examples include the fact that psychological abuse is not well-understood or recognised, and so cases without physical injury are not generally prosecuted. The cyclical nature of domestic violence is also not captured in criminal law, and therefore repeated acts of violence are often not adequately penalised. A common theme raised during the meeting was the opposing approaches observed in a number of participating States; while the law enforcement and justice systems tend to treat domestic violence as an administrative offense, experts advocate for strengthening criminal sanctions for serious cases. In Kazakhstan, recent legal amendments (to both criminal and administrative law) have increased the punishments for some forms of domestic violence. Other forms of VAWG, such as sexual violence, stalking and sexual harassment, are not sufficiently addressed in criminal law.

Several experts explained that criminal procedures are not sensitive to the gendered nature and characteristics of VAWG, thus creating **obstacles for victims to access justice**. Participants noted that when some forms of domestic violence are classified as private prosecution or when the law allows for cases to be dropped when the parties reconcile, a heavy burden is placed on the victim. Without pro-prosecution policies or the possibility of ex-officio prosecution, evidence in criminal cases is heavily dependent on the victim's participation (for example, obtaining forensic medical expertise is complicated for victims due to the fact that there are few such specialist centres, requiring considerable travel and, often, victims have to bear the costs themselves). A large number of VAWG cases **drop out of the justice system**, and only a small percentage result in convictions.

The experts highlighted other examples of how the law does not meet the specific needs of victims. There was consensus that **alternative sanctions are needed** in cases of domestic violence, and civil remedies should also be expanded. The most commonly applied measures- monetary fines in administrative cases- either come from the family budget and thus negatively impact women victims or are not enforceable when the perpetrator is unemployed. Several experts felt that it is worth exploring the use of compulsory labour (requiring perpetrators to perform community work) as a sanction. Other gaps in the legal system response include the lack of recognition of victims of VAWG as eligible for free legal aid under national law and the lack of compensation funds for victims. The common practice of judges to order “reconciliation” periods in divorce cases, even when there is a history of domestic violence, fails to recognise the serious risk this creates of repeated violence.

In addition to lacunae in the law, the experts all raised the issue of **inadequate implementation of legal protections** that stem from a lack of preparedness of key structures: the police, prosecutors, the judiciary and lawyers. Serious weaknesses include the **influence of stereotypes and biases** that result in the secondary victimisation of women who have experienced VAWG, insufficient use of risk assessment methodologies that leave victims vulnerable to further violence and failures to enforce violations of protection orders. The participants called for increased professional training as well as the establishment (or expansion) of specialised structures such as dedicated police units or family law courts. In Uzbekistan, the Ministry of Internal Affairs has already taken steps toward specialisation by establishing a department on women’s affairs.

SESSION 2:

SERVICES AND SUPPORT FOR SURVIVORS OF GENDER-BASED VIOLENCE³

All of the participating States provide support services to survivors of VAWG, covering telephone hotlines, crisis centres and temporary shelters for women escaping abuse. **Civil society organizations play a critical role** in operating such services, and they usually conduct outreach, provide psychological counselling, legal counselling, health care and in some cases, help with job training. Local authorities have also increased their capacities to support survivors.

Particular areas of progress raised by the experts concern the development of methods to systematize and standardise the provision of protection and support for victims/survivors. There are a number of initiatives to establish **multi-disciplinary referral systems**. Such efforts are still in the pilot stage, however, and are not yet fully functional. A comprehensive approach to assistance is needed that is both coordinated and supports the victim/survivor at each stage and up until reintegration. As one expert pointed out, in practice, once a victim is referred to a CSO-operated crisis centre or shelter, the State institutions typically end their engagement with the case.



Cases of violence against people with disabilities are latent among latent cases. ... Two factors that should be highlighted are isolation that is connected to the barriers that surround people with disabilities, including women with disabilities, and also the issue of dependency – dependence on family, economic dependence, physical dependence.

- CSO representative

Standard operating procedures (SOPs) have also been introduced, or are in development, for social services, the health care sector and law enforcement. Again, mechanisms to coordinate work across the separate sectors, such as SOPs for inter-agency responses, are still missing. In Turkmenistan, a coordinated inter-agency response system, that includes, SOPs for specific sectors, is currently being drafted and piloted. A CSO in one region of Uzbekistan also described an effective cross-sector cooperation at the local level that could be scaled up.

While there are positive examples of service-providing centres that have been adapted for survivors representing particular groups there is still a need to **improve outreach to and access for all survivors of VAWG**. In some participating States, such as in Tajikistan, each region has at least one centre that provides assistance to survivors of violence. This is not the case, however, for all participating States, and women in rural and remote areas are often without access to crisis centres. Programmes that are accessible and address the needs of older women and women with disabilities are also lacking. Special protocols and instructions, as well as training, on how to support victims of VAWG who have disabilities are needed for all professionals- service-providers as well as law enforcement.

Brief information was also shared about how the needs of **victims of human trafficking** are addressed. For example, in both Kazakhstan and Uzbekistan, CSOs are involved in providing temporary shelter and rehabilitation services (which can include components on education and economic independence) that aim to assist victims to reintegrate.

³ This type of support and protection services for women cover different forms, including for example women's resource centres, rape crisis centres, women's safe spaces, 'one-stop-shops' and women's emergency shelters.

CROSS-CUTTING ISSUES

The experts raised several cross-cutting issues that are compromising the effectiveness of steps taken to combat VAWG. For instance, the **lack of national strategies** (such as a State action plan or programme) and/or high-level bodies with mandates that are dedicated to preventing and combating VAWG means that there is an overall **lack of coordination**. In a similar manner, improved coordination among donor organisations would address the problem that projects on VAWG are often fragmented and therefore resources are not optimised.



One of the obstacles to providing effective assistance to victims of violence is the ability of service providers (law enforcement and judicial structures as well as medical institutions) to correctly identify victims of violence against women. Gender, cultural and religious stereotypes influence this. To change this situation, high-quality training and methodological assistance is needed.

- CSO representative

Gaps in data is an on-going issue among the participating States. Not only is there a need for **comprehensive data collection**, but existing databases on VAWG should be integrated in order to give a clearer picture of the dynamics of specific forms of VAWG. For instance, in Mongolia,

the police maintain an e-GBV database that has helped to reveal the scale of unreported domestic violence cases, but it has not yet been integrated with separate (sex-disaggregated) criminal databases of the general prosecutor and courts. Along with improved data collection, analysis of the data should also be enhanced. One expert gave the example of a database maintained by the ministry of justice that does not include information about domestic violence cases that have been closed before the investigation stage. Thus, important information about potential breaks in the justice chain are obscured. **Dedicated research** at the national level would also help to establish the prevalence and dynamics of various forms of VAWG. Experts expressed a need for greater reliance on evidence in strategic planning concerning VAWG.

Several experts recalled the important role played by **community-based structures** (e.g. aksakal courts in Kyrgyzstan and mahallas in Uzbekistan). While these are not part of formal justice systems, they are nevertheless influential in cases of domestic violence, from the point of view of both supporting survivors and holding perpetrators accountable. However, because such institutions often reinforce stereotyped attitudes towards victims and tend to promote reconciliation, the experts identified a need to build the capacities of such community structures to follow recognised good practices in responding to VAWG.

IMPACTS OF COVID-19

The experts raised pressing issues related to the impacts of COVID-19 on the incidence of domestic violence during lockdown periods but also relevant to the situation going forward. There was consensus during the meeting that the pandemic **exposed pre-existing gaps** in the systems that were in place to prevent and combat VAWG while also making a latent problem much more evident to the wider public.

During the emergency situation, the provision of services to victims of VAWG was significantly curtailed in all participating States. None of the countries represented in the expert meeting had instructions or standards in place to manage service-provision or inter-agency cooperation on VAWG during emergencies before the outbreak of COVID-19.

The measures taken to contain the pandemic have had an aggravating effect, by isolating victims from resources that can help them and by increasing economic dependence, for example. It appears that during the pandemic, awareness of the issue of VAWG has increased. This could be an opportunity to widen the audience for training or short courses on VAWG prevention, to include a wider range of professionals as well as

the general population. CSOs that run telephone hotlines reported an increase in calls not only from women victims of domestic violence, but also from concerned neighbours, family members and men who were asking for assistance (some perpetrators of domestic violence as well as others). One consequence of the pandemic may be a decrease in apathy among bystanders who were previously hesitant to intervene in domestic violence cases.

Experts from CSOs provided examples of how they developed **new approaches to prevention, outreach and protection** during lockdown periods when victims/survivors had very limited access to the police, health care or other services. Some of these initiatives were implemented jointly by CSOs and local authorities. Examples include the creation of new telephone hotlines and code words for victims, development of distance services and an algorithm for working with survivors under quarantine conditions, as well as establishing mobile brigades that provided comprehensive emergency help to survivors of domestic violence. These models could be expanded and disseminated further, not only to be used during any future lockdowns, but also to address long-standing shortfalls and barriers in access to support and services.

Recommendations:

The experts made a number of recommendations concerning critical areas. They are grouped in the following action areas:

The law enforcement and justice systems

- Criminal and civil legislation should be harmonised with the objectives of stand-alone laws on VAWG and international standards. Particular attention should be given to developing guidance for law enforcement and legal practitioners on how to investigate and prosecute cases of psychological violence.
- Effective alternative sanctions should be developed for perpetrators of domestic violence (in addition to imprisonment for serious crimes and monetary fines for administrative offenses). National research and analysis should be conducted in order to inform the introduction of alternative sanctions, especially in domestic violence cases, and the expansion of programmes for perpetrators.
- Training should be provided to law enforcement, prosecutors and the judiciary on VAWG that includes both a sensitization component as well as instructions and guidance on how to implement victim-centred approaches. Such training should be standardised and integrated into regular professional education in order to address the issue of frequent staff turn-over.

Service providers and support for survivors

- Funds should be allocated from State budgets for centres that assist survivors of VAWG, including CSO-based centres, in order to enable them to provide long-term rehabilitation to their beneficiaries.
- Service-provision for survivors of VAWG should take an intersectional approach and ensure that support reaches all survivors, including those who live in rural areas, elderly women, young women and girls and women and girls with disabilities, among others.
- Protocols, instructions and special training programs on how to work effectively with survivors who have disabilities should be developed for all specialists and service providers, such as hotline operators, crisis centre and shelter staff and also for law enforcement.

Multi-agency cooperation and coordination

- Each participating State should establish a national coordinator office on VAWG with oversight and policy-making functions, as well as national-level strategies for the implementation of policy and standards across the relevant sectors.
- Data collection, research and analysis on VAWG should be improved in order to inform policy and legal changes. Criminal justice records should be integrated into single databases and should be regularly analysed along with other administrative data (such as healthcare and social services records).
- Cooperation with local authorities (such as mayors) and community leaders should be increased, for example through SOPs, training and awareness-raising. Such activities should also aim to counteract gender stereotypes, cultural norms and the misuse of religious beliefs to perpetuate the cycle of violence.
- Law enforcement, State-funded social service centres, CSO-operated crisis centres and shelters, as well as other relevant institutions and organisations, should jointly evaluate lessons learned from the COVID-19 pandemic. This analysis should inform the development of post-pandemic recovery plans and also long-term strategies to address persistent barriers to justice and gaps in access to social services for all victims/survivors of VAWG. Separate protocols should also be devised specifically to ensure continuity of services for victims/ survivors of VAWG during emergencies.
- Exchanges within the region of Central Asia and Mongolia, as well as between sub-regions of the OSCE and among professionals should be used to share experiences and to disseminate good practices between participating States.



This is ... an opportune moment to build on the momentum of these national efforts and give them an impetus through regional collaboration and standard-setting.

- UNFPA Deputy Regional Director for Eastern Europe and Central Asia

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