THE IMPACT OF COVID-19 ON VIOLENCE & DISCRIMINATION AGAINST WOMEN & GIRLS IN EURASIA & THE WAY FORWARD

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INTRODUCTION

Lack of sufficient legal framework and policy measures to protect women and girls from violence and discrimination in Eurasia, as well as inadequate implementation of existing laws has created a particularly challenging situation for women and girls during the COVID-19 crisis. Stay-at-home restrictions, curfews and other measures imposed by the Governments to fight the COVID-19 pandemic exacerbated the risks of domestic and sexual violence against women and girls and disrupted their access to existing support services. The ongoing crisis has revealed the urgent need for the Governments in Eurasia to put in place effective legal frameworks with the strong political will for their proper implementation to protect the lives and safety of women and ensure their access to justice.

Based on the current legal and policy frameworks in the countries of Eurasia (Armenia, Azerbaijan, Georgia, Ukraine, Moldova, Russia, Belarus, Kyrgyzstan, Kazakhstan, Tajikistan, Uzbekistan and Turkmenistan), this document sets out legal and policy measures that should be taken by the Governments of these countries to address violence and discrimination against women and girls during the pandemic and in its immediate aftermath. While the situation varies from country to country, most of the trends identified are similar throughout the region based on our analysis of the laws and policies in place, information from partners on the ground and media reports on these issues. Information is still largely lacking in many of the areas and the full additional impact of COVID-19 on women and girls of gender-based violence is yet to be analyzed.
SEXUAL VIOLENCE

The absence of public, ex officio prosecution for sexual violence by the State, backed up by the laws in most of the countries in Eurasia (including Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan) make it far more difficult for survivors to seek justice for sexual violence, including and particularly during the COVID-19 crisis. Since avenues for finding justice during the pandemic are limited, placing the burden on the survivor to prosecute the perpetrator or having to initiate the proceedings has become even more challenging. The COVID-19 restrictions imposed by Governments make it particularly difficult, many times impossible, for the survivor to collect evidence to support the charges or see through the criminal proceedings in any other way.

Since law enforcement is currently primarily focused on enforcing compliance with COVID-19 restrictions, justice for sexual violence is even more de-prioritized, and survivors have been exposed to enhanced pressures from perpetrators, law enforcement and their communities to “reconcile” with the perpetrators. Reconciliation, under the laws in many countries of the region, which have no public prosecution of sexual violence (and additionally in Moldova), can be the basis for discontinuing the criminal proceedings and leaving perpetrators unpunished.

In many countries in Eurasia, the pandemic has caused the activities of the courts to slow down, to shift online and “non-urgent” court hearings to be postponed, without sexual violence trials having been declared as a priority. Lawyers providing services to survivors report that discriminatory criminal procedures that are generally in place in sexual violence proceedings, coupled with the current difficulties to directly involve the survivors in the criminal justice processes, is proving to be problematic. In addition to safety threats to survivors resulting from the postponed trials (especially if the abusers are not detained), delays in sexual violence proceedings are particularly traumatizing because of the gravity of the abuse and its psychological impact.

Marital rape requires particular attention as being one direct consequence of a reported dramatic spike in domestic violence. Achieving justice for marital rape however, has become extremely challenging in light of the COVID-19 crisis. Marital rape is neither separately criminalized, nor considered as an aggravating factor of a crime in many places (including in Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan, Uzbekistan), contrary to human rights standards. Most importantly, marital rape has been systematically overlooked as a crime whatsoever by the law enforcement, who can be even more reluctant to prosecute these crimes during the pandemic.

There are higher risks of online child sexual exploitation due to the COVID-19 outbreak as with the closure of schools, millions of children in Eurasia spend more time on the Internet, which makes them more available and vulnerable to criminals. Special policies and measures need to be in place in order to protect children from online sexual abuse.
Since child, early and forced marriages, and sexual violence resulting from this harmful practice, remain widespread in Eurasia, states should pay particular attention to making sure that such incidents are not exacerbated based on the worsening economic situation during the pandemic and its aftermath.

**RECOMMENDATIONS TO GOVERNMENTS ON SEXUAL VIOLENCE:**

- Amend the criminal codes to ensure ex officio, public prosecution for rape and other forms of sexual violence and abolish the possibility of exempting perpetrators based on their reconciliation with the victim, or withdrawal of the complaint by the victim for any other reason;
- Alert law enforcement bodies to be extra vigilant when recording and taking complaints of rape, in particular marital rape, and ensure speedy prosecutions and trials with full consideration of the rights of the survivors;
- Amend the existing criminal law provisions to explicitly criminalize marital rape and define it as an aggravated crime;
- Make sure that criminal trials of sexual violence are prioritized to be conducted in a speedy and expeditious manner, including through using online technologies where possible, and that the safety of survivors is protected throughout the proceedings;
- Be alert to the risks of the increased exposure of children to online sexual exploitation and take measures to uncover, prevent and respond to the abuses;
- Ensure that girls and communities with particular risk of child marriage are properly supported, including financially, to make sure that the worsening economic conditions do not contribute to the increase in child marriage when the pandemic is over.

**DOMESTIC VIOLENCE**

Similar to the other parts of the world, for many women in Eurasia, stay-at-home restrictions have meant being locked up with the abuser without an opportunity to seek help. Restrictions in movements due to COVID-19 and weakening protection systems have exposed women and girls to a greater risk of domestic violence, limited their opportunities to leave home, relocate, make phone calls or ask for help in any other way. The political will, especially from high-level officials, is largely lacking to give due recognition to the growing abuses against women during the pandemic, the gravity and urgency of the problem, or any campaigns or resources to address them.

The problem is even more exacerbated because of the lack of domestic violence laws in certain countries of the region (including in Belarus, Russia and Turkmenistan), as well as weak laws without adequate safeguards, leaving victims without remedy, protection and support systems. Despite the growing movement in the region to adopt domestic violence laws and criminalize domestic violence, there have also been pushbacks – e.g. in Russia and Kazakhstan in 2017 when some forms of domestic violence were decriminalized. Criminal laws punishing domestic violence have to be in place in addition to domestic violence laws that would outline prevention, protection and support measures for survivors.

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In the countries of Eurasia where domestic violence laws are in place, many times these laws do not provide adequate prevention, protection, and response measures. In the current crisis, even the enforcement of the existing safeguards has become more challenging, especially where laws do not provide for the prosecution of domestic violence ex officio and place the burden on the survivor to initiate trials through private complaints and collecting themselves evidence for filing charges.

Postponement of criminal and other trials has a particularly negative impact for survivors of domestic violence needing immediate protection and support. Not all the court procedures and investigation measures are technically supported to be conducted online, further contributing to the limitation of the rights of survivors and their access to information about the proceedings. The worsening economic situation also makes women less likely to be able to pay for the court fees to initiate civil proceedings against the abusers, pay for the lawyers or file applications online.

NGOs providing essential support and services to survivors are particularly vital in the ongoing crisis, since, many times, survivors opt to seek assistance from NGOs rather than from Government institutions. However, some Governments are imposing additional restrictive laws and policies on NGOs (e.g. in Russia and Azerbaijan) that are currently providing services to women and girls.

Shelters for domestic violence, where available, have become less safe places for women as they lack sufficient safeguards to protect their health. There are no alternatives to these shelters, or alternatives for perpetrators if they are evicted from the house as a measure to protect the victim. This could result in the reluctance of the police and the courts to issue eviction orders of the perpetrators, exposing the survivors to enhanced risks.

Many medical treatment procedures have been delayed unless they constitute emergency care. There are no exceptions for medical assistance, including no exception for psychological assistance needed as a result of being a victim of domestic violence. Closure of day centers for persons with disabilities and the lack of alternative services might also be a contributing factor for neglect and abuse to go unnoticed or unheeded and for women with disabilities abused at home to be more at risk.

Throughout the region, women are more vulnerable to economic fragility during the confinement and in the aftermath of the crisis, for reasons including their far greater representation in informal sector jobs, making them ineligible for state support programs compensating the loss of income. This pushes women into being more dependent financially on their husbands, exposing them to further exploitation and abuse, coupled with an increased unpaid domestic work burden and childcare responsibilities during the pandemic.

Closure of schools and after-school programs has exposed children to enhanced risks of domestic violence and possible increase in suicide rates (reported e.g. in relation to Kyrgyzstan), coupled with the lack of psychological and social support services by the Government targeted to the needs of children during the pandemic.
RECOMMENDATIONS TO GOVERNMENTS ON DOMESTIC VIOLENCE:

- Criminalize domestic violence and provide public, ex officio prosecution for the crime;
- Introduce domestic violence laws providing adequate prevention, protection and response measures for all forms of violence against women in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention);
- Strengthen the existing safeguards in domestic violence laws, in particular in relation to providing multisector medical, psychological, economic and social support services for survivors domestic and other forms of gender-based violence;
- Effectively implement the existing domestic and criminal laws to ensure justice and safety for survivors are at the center during the pandemic and afterwards. In particular, make sure that:
  - incidents of domestic violence are promptly, speedily and effectively investigated and prosecuted;
  - court proceedings on domestic violence (criminal or otherwise) are conducted without delay, using online technologies as needed and available for all parties;
  - protection and safety measures for survivors are imposed within maximum time-limits, as well as immediate and proactive action taken for the removal of abusers from the home;
  - court fees are cancelled or reduced, where possible, for disputes and civil cases related to domestic violence and survivors are provided legal assistance.
- Ensure that survivors of domestic violence are provided with adequate protection and support. In particular, make sure that:
  - shelters continue accepting survivors and that they are duly protected from the spread of the virus and that alternatives to shelters are provided where possible;
  - medical, psychosocial and economic support for survivors are continued taking into account enhanced vulnerability of victims of domestic violence during the pandemic.
- Make sure that the work of NGOs providing essential support and services to survivors is not hindered by restrictive regulations, including the ones imposed during the pandemic;
- Ensure that children at risk of domestic violence are provided with psychological and social support targeted to the needs of children during the pandemic and that children have access to justice and legal remedies in case of domestic violence;
- In case of prison releases related to the pandemic, make sure that the survivors of domestic violence are not exposed to further risk.
ADDITIONAL BARRIERS TO SEEKING HELP FOR SEXUAL AND DOMESTIC VIOLENCE

Restrictions put in place by Governments because of COVID-19 has exposed women to increased threats from their abusers and with little or no recourse to report to the police and seek support for domestic and sexual violence. The new barriers for reporting sexual and domestic violence, which had been historically underreported in the region, include failure to declare or properly publicize exceptions for victims when they violate the imposed restrictions on the freedom of movement to flee from violence, or violate the stay-at-home orders so they can escape from the abuser. While public transportation is cancelled and opportunities for appearing at police stations in-person are limited, and even calling the police might be particularly risky when locked up with an aggressor, many countries provide no opportunity for alternative methods for filing applications (such as coded messages or mobile apps) and no proactive check-ins by the authorities with women at risk.

Human rights organizations providing frontline support to survivors report an increase in domestic violence applications to them, coupled with the reluctance of survivors to apply to the police or other Government bodies for support. This is partly due to the lack of trust that survivors will receive adequate assistance and support, as well as the fear of the spread of the virus and the lack of information about available services and avenues for receiving help during the pandemic.

Proactive action from the Governments in Eurasia is largely lacking when it comes to raising public awareness (through press briefings, television, radio or social media campaigns) about the increased risks of violence against women and girls during the pandemic and how to address them. Measures taken so far have been insignificant, if any, for disseminating as widely as possible information about the possible avenues for victims to get help, as well as making the information available in different languages and methods to reach particularly vulnerable groups of women, including women with disabilities.

RECOMMENDATIONS TO GOVERNMENTS ON ADDITIONAL BARRIERS:

- Be aware that any seeming decrease in reports of domestic violence and marital rape might mean the increased vulnerability of survivors and limited avenues for reporting and seeking help. Provide alternative methods for reporting violence (outside of phone calls and appearing at police stations in person) such as coded messages, mobile apps and proactive check-ins with individuals at risk;
- Make sure that those who break lockdown rules to report or flee from violence are exempt from penalties and ensure that the highest officials of the Government communicate this message in their official press briefings about the pandemic;
- Use various and accessible channels to raise awareness about how victims can seek help during COVID-19 and make sure that the information is available in different languages and methods to reach particularly vulnerable groups of women, including women with disabilities. Reinforce the message to any abusers that they will be dealt with severely.
LACK OF REMEDIES FOR DISCRIMINATION

Similar to the rest of the world, in Eurasia, the COVID-19 crisis is exposing and exacerbating existing inequalities, reinforcing patriarchy, and pushing women back into their traditional gender roles. The situation could make discrimination based on sex and gender even more striking after the pandemic, when women will need to go back to their workplaces.

Governments’ emergency measures aimed at containing the virus are affecting men and women differently and exposing women to multiple and intersecting forms of discrimination, particularly women with disabilities, women in prostitution, elderly women, women from ethnic minorities or with other vulnerabilities, including migrant and LBT women. This has become particularly evident in several areas, including in the realization of the right to access to sexual and reproductive health services (including for women in quarantine facilities), access to sanitation, and support services for domestic and sexual violence. Countries of Eurasia have largely failed to include a gender perspective when devising and implementing strategies to combat the COVID-19 pandemic.

Despite the growing inequalities, most of the countries in Eurasia (such as Armenia, Azerbaijan, Russia, Belarus, and Central Asian countries) still have no anti-discrimination laws, which, among other consequences, means women are denied the opportunity to file complaints and seek remedy through judicial and quasi-judicial mechanisms, to prevent discriminatory conduct of Government bodies and private individuals and to ensure non-repetition of discriminatory acts.

RECOMMENDATIONS TO GOVERNMENTS ON REMEDIES FOR DISCRIMINATION:

- Take full account of the existing and growing inequalities as a result of COVID-19, give full recognition to various forms of discrimination against women and girls and introduce comprehensive anti-discrimination laws providing judicial and other remedies and redress to survivors;
- Make sure that a gendered perspective is used when devising and implementing strategies to combat the COVID-19 pandemic, particularly considering age, disability and other factors that put women and girls in more disadvantaged positions.

WOMEN AND GIRLS IN PROSTITUTION

Throughout Eurasia, structural inequality, economic hardship and neglect of economic and social rights increases vulnerability to sexual exploitation and many women and girls are coerced into prostitution, resulting in systematic abuses of women’s right to be free from violence and the denial of their access to justice. The COVID-19 crisis has pushed women further into the struggle for survival and exposed them to enhanced risks of abuse and exploitation in the commercial sex trade, including online. Children have become particularly vulnerable to online sexual exploitation and fall prey to sexual predators as

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they spend more time on the internet as a result of school closures. This is exacerbated by a lack of supervision as parents and guardians focus on working from home thinking their children are safe somewhere in the home. The vulnerability of transgender women to extreme poverty and violence has intensified, including by the police when enforcing COVID-19 restrictions.

The laws in force in Eurasia only serve to exacerbate the existing stark conditions. In many countries (such as Armenia, Azerbaijan, Georgia, Russia and Ukraine), the laws impose an administrative penalty on women, including underage girls of 16-17, for “engaging in prostitution”, while the “sex buyers” go free, even when paying for sex from children. The laws fail to recognize that these are acts of rape and sexual abuse of children. In some countries (such as Moldova and Turkmenistan) sex buyers are penalized but, unfortunately, also those who are bought and sold for sex are penalized. Women and girls in prostitution are left out of any assistance and support programs from Governments which would enable them to mitigate the impact of COVID-19 crisis and protect them from additional harm and risks of exploitation.

RECOMMENDATIONS TO GOVERNMENTS ON WOMEN AND GIRLS IN PROSTITUTION:

- Remove the administrative liability from women and girls in prostitution and instead shift the liability to the “sex buyers”;
- Criminalize buying sex from a minor under 18, including coercion and any other acts of sexual exploitation and abuse committed online, without exceptions. In these cases, sex buyers should be charged with trafficking, rape, statutory rape, child defilement and child abuse (exchange of money or things of value could be considered an aggravating circumstance) etc. if that law would otherwise apply;
- Introduce support programs, including financial and housing support, for women and girls currently in prostitution, particularly taking into account the effects of the pandemic. The support programs should address their immediate and short-term needs and also provide exit support for those who seek to leave systems of sexual exploitation;
- Fully extend the existing support programs for domestic violence and trafficking to women in prostitution, including transgender women;
- Until the laws are amended, exempt women and girls in prostitution from criminal and administrative penalties when they report violence;
- Ensure effective investigation of any abuse of power by the police against women in prostitution in light of the COVID-19 restrictions.

GENERAL RECOMMENDATIONS TO GOVERNMENTS:

- Collect sex and other disaggregated data on the impact of COVID-19 on access to justice for domestic and sexual violence, as well as discrimination against women, taking into account and recording the specific conditions of vulnerable women;
- Ratify the Istanbul Convention and bring the national laws in compliance with the Convention.