

WOMEN FACE-TO-FACE WITH DOMESTIC ABUSE DURING COVID-19 LOCKDOWN: THE CASE OF KYRGYZSTAN

By Asylai Akisheva



**ASYLAI
AKISHEVA**

**PHD CANDIDATE,
KOÇ UNIVERSITY
LAW SCHOOL**

Asylai Akisheva is a PhD candidate at Koç University Law School (Turkey). Her main area of research includes Legal Gender Studies and Women's Rights. She holds an LLM Degree in European and International Law from Rīga Graduate School of Law (Latvia) and a Specialist Degree in Law from Kyrgyz-Russian Slavic University (Kyrgyzstan).

August 19, 2020

Domestic violence against women and girls is one of the most widespread instances of human rights violations of our day. Further, in the context of the current pandemic, the problem of domestic violence is spreading on a wider scale, and Kyrgyzstan has not been spared. This paper centers on domestic violence against women and girls during the lockdown introduced due to the COVID-19 pandemic and discusses its regulation in Kyrgyzstan under domestic law. The study considers the following questions: how does Kyrgyzstan legally regulate the problem of domestic violence against women, and does the country effectively cope with an increased level of such violence during COVID-19 lockdown and, if it does cope, to what extent?



**CENTRAL ASIA
PROGRAM**

Nowadays, in the context of the current COVID-19 pandemic, the issue of domestic abuse has become even more pressing. The problem has not bypassed the Kyrgyz Republic. Although relevant legislation has been adopted, the issue of gender-based violence against women remains serious. According to UN Women, in pre-pandemic days, six in ten women in Kyrgyzstan were [beaten](#), sexually abused, or otherwise ill-treated, and, given the region's traditionalist socio-cultural practices, these issues have often falsely been interpreted as religious matters. What, then, are we to say about domestic violence during a lockdown situation? As the "stay at home" protocol began, the concern of a growing global trend in cases of domestic violence increased even more.

Beginning on March 17, 2020, the country undertook [quarantine measures](#) due to the [first cases](#) appearing on its territory. From March 25 to April 11, Kyrgyzstan introduced a [state of emergency](#) in the most affected cities and regions. The lockdown restrictions were prolonged twice: through [April 30](#) and [May 11](#), respectively. With the introduction of the state of emergency in several cities and regions of Kyrgyzstan, the number of reported cases of domestic violence [increased by 60%](#) in comparison to the preceding year. What's more, crisis centers across the country suspended admitting people to the shelters and switched to online work.

Legal Regulation of Domestic Violence Before Pandemic

The 2010 Constitution of the Kyrgyz Republic ([Art. 16\(4\)](#)) and [the 2008 Law](#) on State Guarantees of Equal Rights and Opportunities for Men and Women establish equal rights and freedoms between men and women and equal opportunities for the enjoyment of these rights.

The main legal document regulating the issue of domestic violence is [the 2017 Law](#) on the Protection and Defence against Domestic Violence, which replaced [the 2003 Law](#) on the Social and Legal Protection against Domestic Violence, which was criticized by many.¹ The new law requires police to register a domestic violence complaint made not just by the victim, but [by anyone](#). As an alternative to criminal prosecution to prevent domestic violence, [special measures](#) providing for the issuance of protection orders were taken. Furthermore, [the law provides](#) the necessary legal, medical, and psychological assistance, social support, and counseling services to the victims of domestic abuse.

Crisis centers are considered the only structure that provides [real assistance](#) to victims of domestic violence. However, these units have often suffered from constraints in financial and human resources. For example, centers must rent premises, and they are [limited](#) in beds in shelters (in some centers, shelters have only two to four beds). The head of one of the country's shelters stated that sometimes they resort to [desperate measures](#), with employees contributing part of their salary to buy food for women and children in the shelter. There are [15 non-governmental crisis centers](#) in the country, and only [two](#) of them are able to provide asylum. According to the Ministry of Labor and Social Development (MLSD), the authorized state body for the implementation of the Law on Domestic Violence, for 2020, the Ministry of Finance [will not allocate](#) more money to create shelters for victims of domestic violence.

¹ The 2003 Law did not fulfil its task of ensuring the liability of the offenders: according to the results of the study of the EU and UN project "[Operationalising Good Governance for Social Justice](#)", after the adoption of the law, in 2011 only in one out of 10 cases of domestic violence were the perpetrators found guilty.

Moreover, issues of assistance with domestic violence are also within the competence of public institutions, such as the *aksakal* (elders') court, though statistics show that affected family members turned to the elders' courts much less often than to the crisis centers.

All the above-mentioned measures taken by the government reflect an intensified response to violence against women and girls in the pre-pandemic period. However, despite numerous measures taken by the internal affairs bodies, health and education systems, NGOs, the media, and women's centers, the problem of domestic violence has not diminished. According to the last pre-pandemic national Periodic Report on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the number of complaints of domestic violence from citizens remains, on average, more or less constant, and data on the number of issued protection orders, criminal cases, etc. confirm this trend.

Even still, on an optimistic note, it can be observed that the population has gradually begun to positively perceive the introduction of protection orders—especially temporary ones. By virtue of the establishment of a multidimensional statistical base, during the law's implementation period, a reasonably reliable picture of the state of domestic violence in Kyrgyzstan began to appear. According to the Ministry of Internal Affairs (MIA), after the adoption of the new law, in 2017 the number of registered cases of domestic violence reached more than 7,000. In 2018, this figure increased by 14%; 8,730 people turned to crisis units and other specialized institutions, most of whom were women (almost 80%); 62 women died from domestic violence, and another 288 were injured. As for recent events, just in the beginning of the 2020 New Year holidays, tragedies occurred when two women died as a result of family quarrels in which they were brutally beaten by their spouses. Certainly, an increase in the number of cases of reported domestic violence does not indicate a positive result, but at least it demonstrates a more believable number of cases due to their official registration.

Combating Domestic Violence During Quarantine

With the introduction of the state of emergency in several cities of Kyrgyzstan due to the COVID-19 outbreak, the number of reported cases of domestic violence increased by 62%; 95% of victims were women 21–50-years-old. The problem of domestic violence was especially aggravated in Bishkek. According to the data provided by the Bishkek City Commandant's Office, it increased by 65% compared to the same period the previous year. The reason lies in the fact that it has become much more difficult for women to avoid domestic violence during quarantine, and many women are too afraid to call either the police or crisis units.

As per a report from the Main Department of Information Technologies of MIA, from January to March 2020, law enforcement agencies registered 2,319 complaints of domestic violence. Up to 105 criminal cases were launched on the basis of family violence (an increase of 49%), and of 2,682 incidents falling under the classification of the Code of Misconduct of the Kyrgyz Republic, 354 cases were recorded under article 75, "Domestic violence". Also, at a briefing on April 24, the commandant of Bishkek city reported on new domestic abuse complaints: only in the capital, from March 24 to April 24, 162 new cases were registered.

Hotlines During COVID-19 Lockdown

With the establishment of the emergency rules, crisis centers across the country suspended the admission of people and switched to online work, providing psychological and legal advice through e-mail and social networking [platforms](#) such as Facebook or Instagram. However, hotlines continue to operate in each region, which, in fact, provide first aid for victims of domestic violence. Today, the [hotlines](#) 111, 112, and 117 are working, redirecting calls to psychologists and family therapists. As [reported](#) by the Association of Crisis Centers, within one month of lockdown, the crisis units received about 700 calls from victims of domestic violence, and most of them were in need of food.

Exceptional Curfew Rules for Women Affected by Domestic Abuse

It is worth noting that, officially, no exceptional rules from the lockdown's restrictive measures were provided for women affected by domestic abuse during the "stay at home" isolation measures. Nevertheless, no cases of arrest in such situations were recorded.

Meanwhile, in April, the "Together" human rights defenders movement [sent an appeal](#) to the government and Ministry of Internal Affairs demanding urgent action to protect victims of domestic violence by adopting a protocol that will provide standards for the police and for victims of domestic violence in an emergency situation. Besides, one of the deputies of the Kyrgyz Parliament (*Jogorku Kenesh*) [proposed](#) the development of norms allowing women in situations of domestic violence to leave their homes if their lives are at risk and providing for the administrative arrest of domestic abusers for [15 days](#).

Only at the beginning of May 2020, at the end of lockdown, did the Kyrgyz Parliament pass [amendments](#) to the Criminal Procedure Code allowing for the detention of the aggressor of domestic violence for 48 hours.

Protection Orders

Police stations continued to operate in granting protection orders during COVID-19 quarantine, just as before the pandemic. At least [2,319 protection orders](#) (an increase of 72%) were issued based on domestic violence in the first three months of 2020.

Women's Access to Justice

Regarding the judicial system during the quarantine, [no complete information](#) was reported on the activities of courts in the cities and regions where a state of emergency was introduced. Therefore, it is unclear whether the women affected by domestic abuse were able to fully enjoy their right of access to justice during the pandemic.

It is known that the courts of Osh, Jalal-Abad, Chui regions, and Bishkek city [suspended](#) their work from March 30 to April 30 due to the introduction of lockdown measures in their territorial jurisdictions. To compensate for this suspension of activities, the Supreme Court of the country was [granted](#) the right to change the territorial jurisdiction for civil/criminal/administrative/misconduct cases and materials of pre-trial proceedings in Bishkek, Osh, Jalal-Abad, the Suzak district of Jalal-Abad region, and the Nookat and Kara-Su districts of the Osh region.

The Coalition against Torture contested this decision, stating that the courts did not inform the public of their operation during the introduced lockdown regime, adding that access to justice must be guaranteed even during emergency situations. In turn, the Supreme Court replied that the announcement on suspension of the courts' work was false and assured the public that the courts continued their functions during quarantine, particularly, the watch of judges and staff of the apparatus was organized in the courts. Cases of an urgent nature were considered first, while the rest of the claims were postponed for a later date.

Women's Access to Healthcare

Regardless of the continued operation of medical services and institutions, except those whose medical workers were affected in high numbers by COVID-19, women, especially those from vulnerable groups, have experienced difficulties with the introduction of restrictive measures against COVID-19. According to data from Operational Gender Analysis, women had difficulty in accessing the most basic resources and opportunities: for example, medicine and personal protective equipment, access to medical services, hygiene and sanitation, water and social services, and the purchase of food.

No precise data on specific risks for pregnant women are available, but reproductive health experts consider that the pandemic may have negative consequences for sexual and reproductive health and related rights of women. The two-month quarantine in the country will lead to a "baby boom", and possibly to an increase in the number of abortions. The main reason is the redirection of the health system's resources to the fight against COVID-19, which will also affect the financing of the country's reproductive health system.

Peaks and Valleys in Tackling Domestic Violence During Lockdown

Obstacles in Countering Domestic Violence During the COVID-19 Lockdown

Both before and after quarantine, major assistance to women in the country was provided only by crisis centers, whose budgets and human resources are often extremely limited. For the period of the state of emergency, only five crisis units, which are part of the Association of Crisis Centers, were supported by financial means of, on average, KGS600,000 (approx. USD8,000) from public procurement; not a single crisis unit had the support of international organizations until May 2020. As outlined by MLSO, crisis centers in Kyrgyzstan were closed, since the admission of new people could threaten the health of those already in shelters. There was no opportunity to admit women nor to send them home; crisis centers were only able to help them return to their relatives.

Moreover, according to the Head of Association of Crisis Centers, crisis units were not ready for an emergency situation such as the pandemic, and further, the public procurement of funds have not been available for purchasing the antiseptics materials for women already in shelters.

Suspension of the work of public transport could also cause obstacles, 32.7% of women faced difficulties after the operation of public transport was terminated. For instance, it is a barrier to reaching some crisis centers, especially if such women live in remote regions.

Good Practices in Combating Domestic Violence During the COVID-19 from Government and NGOs

Positive practices could be distinguished with the introduction of the “[Spotlight Initiative](#)”. Under the support of the latter, MLSD launched a program in cooperation with the UN and EU in May 2020, after almost two months of quarantine. The Initiative was directed at eradicating incidents of domestic violence against women and girls.

The Initiative has already implemented many efforts aimed at preventing or resolving cases of domestic violence in a pandemic. Specifically, in addition to [psychological](#), medical, and legal advice for victims of domestic abuse, humanitarian and financial help to crisis centers, and informational campaigns on decreasing of domestic violence being [provided](#), the Initiative helped by supplying temporary “[safe places](#)” for women who have experienced violence and their children.

The [algorithm](#) of steps for assisting within the Initiative was as follows:

1. A call is received on hotline 111 or 112.
2. Specialists answering calls immediately report to MLSD and indicate the addresses, depending on the severity of the situation.
3. The Spotlight project team travels to the site and picks up the victim.
4. The victims take COVID-19 tests and are placed in temporary housing that has been prepared.

The term “safe places” implies alternative shelters: in particular, abused women are placed into rented apartments with financial aid received from business communities until they find an alternative place to stay. Temporary crisis centers are [organized](#) in each region, although those who have used such an opportunity are registered only in Bishkek at the time of writing. In particular, five women with children were provided with temporary housing during the lockdown. Indeed, many more persons sought support, but due to limited resources, crisis units were able to help only [five women](#).

Additionally, another project was developed within the framework of the Spotlight Initiative. On May 12, the UNDP in cooperation with UNICEF conducted the first [Online Hackathon](#) in Kyrgyzstan on the issues of domestic violence. The winners of the Hackathon received financial support for the implementation of their projects, which were directed at helping women and youth to recognize signs of domestic violence, as well as connecting them with the nearest crisis centers and psychologists through online platforms.

Conclusion

Domestic violence against women and girls is one of the most widespread patterns of women’s rights violations in the Kyrgyz Republic—and not only during the COVID-19 outbreak. Despite the fact that the [2017 Law](#) on the Protection and Defence against Domestic Violence was passed in the state legislature, the problem of gender-based violence stands unsolved.

In parallel, one of the underlying legal issues today in Kyrgyzstan is that the state did not become a party to the [Istanbul Convention](#), which is one of the primary legal tools providing a comprehensive framework to tackle violence against women, including domestic violence.

Moreover, considering the fact that crisis centers appeared to be the only source of real help for female victims of domestic abuse, the measures taken by the government to fight domestic

violence seems to be insufficient. The government should provide greater cooperation and financial support to NGOs and other institutions combatting domestic violence in order to avoid all kinds of women's rights violations. These measures must include the expansion of women's economic capacities, improvement of legal knowledge, change of the norms of behavior, and education and raising awareness on women's rights.