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# Womens Training GBV ANNEX

## Democratic Structures of Support, Legal rights, Protection system

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# 1. Overview of Legal Rights and Protections

*Objective: Basic legal rights and protections for GBV victims under Uzbek law and International standards and conventions that Uzbekistan is a part of.*

## **No person has the right to be abusive, aggressive or violent towards you**

*Game-task: Determine whether violence is present in the following situations.*

**1.** A married couple comes to visit a friend. There, the husband admires the coziness of the house and the delicious dinner that the hostess prepared. On the way home, the husband tells his wife that the hostess tastefully decorated the house. The wife explodes with complaints about the excessive praise of another woman. And takes offense at her husband.

**2.** The wife complains to her husband that he allows himself to speak rudely to her. In response, the husband accuses the wife of being overly sensitive and constantly making scandals. And that it's her own fault, because she provokes him with her behavior.

*(In the first situation, the woman's low self-esteem leads to the fact that she perceives the praise of others as criticism of herself.*

*In the second situation, the husband neglects the words of his wife, manipulates her feelings and makes her guilty of his own rudeness and aggression. This is an emotional violence.)*

On May 6, 1995, the Republic of Uzbekistan acceded to **the UN Convention on the Elimination of All Forms of Discrimination against Women** of December 18, 1979. According to this convention, the term "discrimination against women" means any distinction, exclusion or restriction on the basis of sex which is intended to impair or nullify the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

## **Sources of local law against GBV**

Equal rights of women and men are also enshrined in Article 46 of the Constitution of the Republic of Uzbekistan.

In addition, the following regulatory and legal documents have been adopted to protect against harassment and violence:

- Law of the Republic of Uzbekistan dated September 2, 2019 No. 561 "On the Protection of Women from Harassment and Violence";
- Law of the Republic of Uzbekistan dated September 2, 2019 ZRU No. 562 "On Guarantees of Equal Rights and Opportunities for Women and Men";
- Resolution of the President of the Republic of Uzbekistan dated July 2, 2018 No. PP-3827 "On Social Rehabilitation and Adaptation, as well as Measures to Improve the System of Prevention of Domestic Violence";
- Code of Administrative Responsibility of the Republic of Uzbekistan;
- Criminal Code of the Republic of Uzbekistan and others.

**Your family and home space should be a place of safety and care. Domestic violence is a violent crime. It is prosecuted under Law № 561 and the Criminal Code. The law protects you if you experience violence in a marriage, relationship, civil partnership, even if you are former or ex-spouses/former partners.**

Remember:

- Any form of violence within the family is prohibited
- Domestic violence is the act of a criminal offence against a family member, i.e. physical harm, threats, rape and molestation, indecent assault, homicide and fatal bodily harm
- The above acts of violence, when committed in front of children, make them victims in their own right, and only by virtue of being seen

## **In which cases is violence considered to be domestic violence?**

- between spouses
- between ex-spouses
- between parties to a civil partnership (even if it has been dissolved)
- between permanent partners (regardless of whether there is cohabitation)
- between former permanent partners
- Applicable also to same-sex couples
- between parents - children (whether or not there is cohabitation) - including in-laws
- Between siblings (regardless of whether there is cohabitation)
- Between third and fourth degree relatives by blood or marriage, if they live with the victim (for example a first cousin or the parent of a first cousin).
- Against a minor living with the offender(s).

## **RAPE (and intra-marital)**

According to the Criminal Code of the Republic of Uzbekistan, rape is recognized as "sexual intercourse with the use of violence, threats or taking advantage of the helpless state of the victim and is punishable by imprisonment from five to eight years. At the same time, rape in marriage, in relation to a close relative, former spouse, a person living together in a single household, or a person who has a common child, is an aggravating circumstance and is punishable by imprisonment from ten to fifteen years."

Unfortunately, the Criminal Code of Uzbekistan currently **does not contain** a mandatory article in line with European law regarding the requirement of **consent**, nor does it define the concept of consent. Outdated rape laws that are not based on consent create numerous barriers in the legal system that deter women from reporting rape cases because they lose trust in the system. What is the reason?

## Two models of theory in law against rape

The fact is that in legal theory there are two main models in the law against rape and other forms of sexual violence:

1. The coercion-based model "requires that sexual intercourse must be accomplished by coercion, violence, physical force, or the threat of violence or physical force for the act to amount to rape";
2. The consent-based model "requires that for an act to qualify as rape there must be sexual intercourse to which the other person did not consent."

The disadvantage of the first system is the need to prove the presence of coercion. In this case, an important point is not taken into account, namely: due to various psychological characteristics, different people react differently to shock and acute stress.

### Important things to remember about sexual violence:

- It does not have to leave a person with visible injuries.
- It does not have to involve other physical violence or weapons.
- If the victim or survivor didn't scream, try to run away or fight then that doesn't mean it wasn't sexual violence. It's really common for people who experience sexual violence to find themselves unable to move or speak.
- Sexual violence can be perpetrated by a stranger but it is very often perpetrated by someone that the person knows or even trusts. For example, a friend, colleague, family member, partner or ex-partner.
- Orgasming or experiencing feelings of arousal during sexual violence doesn't mean it wasn't sexual violence.
- A victim or survivor of sexual violence was never 'asking for it'. It doesn't matter what they were wearing or what consensual sexual activity or other interaction happened before the sexual violence.

### 5 types of psychological reaction:

- **'freeze'** - going tense, still and silent. This is a common reaction to rape and sexual violence. Freezing is not giving consent; it is an instinctive survival response. Animals often freeze to avoid fights and potential further harm, or to 'play dead' and so avoid being seen and eaten by predators
- **'flop'** - similar to freezing, except your muscles become loose and your body goes floppy. This is an automatic reaction that can reduce the physical pain of what's happening to you. Your mind can also shut down to protect itself
- **'friend'** - 'befriending' the person who is dangerous, for example by seeking favor by servile flattery, placating, negotiating, bribing or pleading with them. Again, this is not you giving your attacker consent, it is an instinctive survival mechanism
- **'fight'** - physically fighting, pushing, struggling, and fighting verbally e.g. saying 'no'
- **'flight'** - putting distance between you and danger, including running, hiding or backing away

*Freezing and not resisting is one of the natural psychological reactions* of a person in order to protect themselves and survive in a shocking, stressful situation. This is not taken into account in the model based on coercion and creates opportunities for the rapist to avoid punishment.

However, the European Court of Human Rights is unambiguous in its conclusions and bases its decisions on European standards, according to which coercion to sexual acts without the explicit consent of the victim is a criminal offense. In this case, consent must be given voluntarily, as a result of the free expression of will of a person with the possibility of its withdrawal and is assessed taking into account the specific circumstances.

### **Video about what consent is**

<https://www.youtube.com/watch?v=oQbei5JGiT8>

Unfortunately, apart from the UN Convention on the Elimination of All Forms of Discrimination against Women, Uzbekistan has not ratified any other international documents that are designed to protect women from gender-based violence. And the existing legal acts, in particular the Criminal Code, interpret the concept of a victim of violence very ambiguously, saying that it can be either a wife or a husband. And domestic violence is called "family" violence and the severity of the crime is downplayed. This makes Uzbekistan practically the only country in which the law on the protection of victims of violence turns against the victims themselves.

However, a mechanism to protect women from gender-based violence, at least minimally, exists in Uzbekistan. The protection of women from all forms of harassment and violence in marriage, in the workplace, in educational institutions and other places is enshrined in the Law of the Republic of Uzbekistan No. 561 of September 2, 2019 "On the Protection of Women from Harassment and Violence".

According to this law, women who have suffered from harassment and violence, including complaints about harassment and violence against them or threats of their commission, may contact the relevant bodies and organizations or the court, special centers, and also have the right to receive free legal advice, economic, social, psychological, medical and other assistance via a free telephone line, apply to the internal affairs bodies with an application for the issuance of a protective order, and in the event of a violation of the terms of the protective order, have the right to apply to the court with a demand for compensation for material damage caused to him as a result of violence, and compensation for moral damage. In addition, according to the law, the victim of harassment and violence is exempt from paying the state fee when applying to the court with an application for compensation for material damage and compensation for moral damage.

### Police

The powers of police include the consideration of complaints about harassment and violence against women or the threat of their commission, the issuance of an official warning to a person prone to harassment or violence, the issuance of a protective order, as well as the prosecution of persons guilty of violence, the adoption of measures and cooperation with the relevant competent bodies and organizations protecting women from harassment and violence.

### Court

The courts may hear petitions or appeals on allegations of harassment and violence against women or threats thereof, and may issue, renew or have the power to hear appeals against the refusal to issue or renew a protective order.

## European Standards/ New Law

In May 2024, the Council of Europe adopted the EU Directive 2024/1385 on violence against women and domestic violence. The Directive criminalises at EU level certain forms of violence against women offline (**female genital mutilation and forced marriage**) and online (**non-consensual sharing of intimate images, cyber stalking, cyber harassment and incitement to hatred and violence on the ground of gender**). It also provides targeted measures of protection, support and access to justice for victims of any form of violence against women and domestic violence where criminalised under national or Union law. Finally, it requires Member States to set up preventive measures, including specific measures to prevent rape and to promote the central role of consent in sexual relationships.

## 2. Navigating the Legal System

*Objective: Uzbek legal system, how to report GBV and what to expect during legal proceedings, documentation and evidence collection, tips how to act as a witness.*

### Weaknesses of the local legal system against GBV

The shortcomings of the existing system of protection for victims of domestic violence include the wording in the law, which **defines not only the wife, but also the husband, as a victim**. The second point enshrined in the legislation, namely the **possibility of reconciliation** between the offender and the victim, also weakens the system of protecting women from domestic violence. Thus, if a woman defends herself verbally or physically from violence against her, the attacking husband can subsequently file a **counterclaim** for violence against him and thereby force the woman to reconcile.

Unfortunately, police officers also try to persuade victims of domestic violence to reconcile with the abuser. The reasons for this are cultural and social stereotypes, low professional motivation, etc.

**However, these points should not stop a woman from defending herself and file a complaint about violence, but she should be aware of them in order to strengthen her position.**

According to Uzbek law, only the victim herself has the right to file a complaint about violence against her. You can file such a complaint to the police or the court. One of the mechanisms for protecting a victim of violence is a **protection order**. It is issued within 24 hours from the moment the fact of harassment and violence or the threat of their commission by police is established directly against the victim of harassment and violence and may provide for the following measures:

- prohibition of harassment and violence;
- prohibition of the victim of stalking and violence and the person stalking and committing violence from being alone in the same room in the event of stalking and violence;

- prohibition of contact with victims of harassment and violence by the person harassing and committing violence (indirect contact between the victim of harassment and violence and the person harassing and committing violence is permitted in the workplace and in educational institutions);
- - imposition on the person stalking and committing violence of the obligation to reimburse the costs of treatment, consultations, placement of the victim of stalking and violence in a special center for providing assistance to victims of stalking and violence, material damage caused, as well as compensation for moral damage;
- - restriction of the right of the person who committed harassment and violence to store and carry or a ban on the storage and carrying of weapons (except for service weapons) for the duration of the protective order or for the period established by the said order, as well as a ban on the right to obtain a permit to acquire weapons.

## Documentation and evidence collection

To strengthen their position, the victim should collect proofs of violence against them. In the case of physical violence, they should go to the hospital and get a **certificate of the injuries** they received.

When contacting the police, you must request an **extract from the log** where information about the submitted application is recorded. In this case, if physical violence was used in the presence of children, this must also be recorded in the application. In this case, children are also considered victims of domestic violence (this is a European norm; is there a similar one in Uzbek legislation?). This will be important at a later stage in the divorce process if the victim wishes to file for divorce.

In case the situation is dangerous for staying in the same house, the woman should prepare a **'emergency bag'** in case she has to leave the house urgently. In such a bag it is necessary to collect all the most important documents. These can be a passport, identity cards, driver's license, marriage certificate, children's documents, some money, medicines if they are vital, for example, insulin for insulin-dependent people, etc., copies of keys, etc. This bag can be hidden in the house, if possible, in case of an emergency, or hide this bag in house of the friends, relatives, acquaintances whom the woman can trust.

**Video and audio** proofs can help minimize the likelihood of a violent partner making a counter-accusation. You can turn on video recording on your smartphone if it is possible to do so in a way that does not escalate the situation at the time of the attack. If there are threatening messages, you can take screenshots of these messages in case your partner will delete them later. Since the law states that partner violence is grounds for divorce, such video and audio evidence can also be used as evidence in court later.

If a woman collects evidence of violence little by little, it may be dangerous to keep it in the house where she lives with her abusive husband. In this case, a folder with evidence should be collected and stored in another safe place, with friends or relatives. This folder may contain medical reports of bodily injuries, photographs of beatings, memory cards with videos, photographs, etc.



When choosing a place to store such a folder and/or emergency bag, you should avoid obvious places and people that an aggressive spouse can easily guess.

## How do we intervene as witnesses?

1. **Distraction:** Indirectly "disrupting" the situation by interrupting the offender (e.g., pouring the drink, making small talk, etc.).
2. **Delegation:** ask for help from a third party to intervene, perhaps a person in a position of authority.
3. **Recording:** if it is safe and someone is already helping the victim, take notes or record a video (permission to share the recording belongs to the target).
4. **Afterwards:** talk to the person who was harassed (e.g. support, help, etc.).
5. **Immediately:** if everyone is physically safe, speak firmly and clearly against the harassment taking place (prioritize helping the victim over verbal altercation with the perpetrator).

## 3.Civic Support and Self-Advocacy

*Objective: Barriers in the system, power of community support, identifying gaps in local system, how to self-advocate and where to seek a help*

*Game-task:* To clearly show the complexity of the system.

*Settings:* Ball of thread, stickers, pans.

*Description:* The facilitator prepares in advance stickers with written following professions: police officer (2 stickers), social worker, lawyer, doctor (2 st.), psychologist, family member. Every participant gets one sticker and put it on his chest to be visible for others and they stay in a big circle. They give a ball of thread to each other – it's a path of victim. (The facilitator must arrange the participants in different order than the victim's steps, so at the end it should be a tangled thread in the middle between all participants).

For example, the first step – the victim goes to the doctor after physical violence, after – goes to report to the police, after – to social worker, who send her to lawyer, after - to lawyer, after – to another doctor to get a certificate about injures, after - to a family member, who suggests to go psychologist because she has a stress and cant sleep well, after – again to social worker, who makes an appointment with psychologist, etc.

**The complex and confusing system** of assistance to victims of gender violence can become an **obstacle** to finding support. The necessary assistance: medical, psychological, social, legal, adaptation, is most often provided in different places, and specialists take turns sending the victim from one place to another, creating difficulties and obstacles in the victim's path. One of the solutions can be practical assistance from society and community. Starting from providing first psychological aid and ending with support at each of the subsequent stages of the confusing system.

In particular, significant support can be provided within the **community** especially when it comes to **immigrant women**. In such a case, it is the community that can create a more trusting atmosphere, and cultural, religious, national, and linguistic differences are excluded here. A positive and encouraging moment can also be the support of women in the community who have been subjected to violence and can share their positive experience of getting out of a difficult situation.

In addition, the **community** can play an **active role in improving services** of the support system for victims of gender-based violence by organizing communication and interaction with specialists from organizations that provide support to victims of gender-based violence. Providing them with feedback on gaps in the system, on the one hand, and receiving from them the most complete and up-to-date information about their services, on the other hand.

Such interaction can be especially important for immigrant communities, which can help to convey information about cultural, national and other differences of community representatives to specialists, and at the same time provide useful and necessary information to community members, if they do not know where to get it or cannot get it due to a language barrier

### **Discussion: Disadvantages of the system – steps to eliminate them:** (list with tips for the facilitator)

- Shelters currently exist in only two regions of Uzbekistan – more are needed.
- Divorce procedure - a simplified divorce system is needed in cases of domestic violence (for example, eliminating the reconciliation procedure in such cases)
- Economic dependence of women - assistance in acquiring a profession and/or assistance in finding employment during their stay in the shelter
- Incompetence of specialists, lack of knowledge about methods of proper communication with victims of violence - trainings for specialists who work directly with victims of violence (raising awareness of psychological aspects, how not to increase psychological trauma, etc.)
- Cultural, social stereotypes in society - social information campaigns on reducing the level of victimblaming and rape culture.

## How to protect yourself

The first step towards self-defense is **the woman's awareness** and acceptance that any manifestation of violence against her, whether emotional, economic or physical, is a violation of her rights and cannot be justified in any way. However, a woman must independently make the decision to leave or stay in an abusive relationship. Any pushing or coercion in any decision is unacceptable.

If a woman has no one in her circle or no way to ask someone for help and support, there is a mobile application that can tell a woman what to do in a situation of gender violence. (*Below are links to the application on Google Play and the App Store*)

[https://play.google.com/store/apps/details?id=com.gbv-pocket-guide&hl=en\\_US&pli=1](https://play.google.com/store/apps/details?id=com.gbv-pocket-guide&hl=en_US&pli=1)  
<https://apps.apple.com/us/app/gbv-pocket-guide/id1366576273>

In addition to preparing an emergency bag as mentioned above, a woman can also discuss with one of her neighbors, for example, a sign, code word or phrase, in case there is a need for urgent intervention and calling the police.

These steps can save her health and life in a dangerous situation.

## Useful links where to seek a support

There are both local Uzbek and international sources where you can get both practical and informational support victims of GBV.

The state also plans to improve this area. In particular, in 2024, a government initiative was launched to organize a three-tier system of protection and support for victims of gender-based violence, within the framework of which it is planned to provide free legal, psychological, social assistance, temporary shelter for up to 6 months, even without a protection order.

- <https://istiqbolliavlod.uz/deyatelnost> (*REPUBLICAN SOCIAL INFORMATION CENTER, there is a hotline +998 95 143 94 94*)
- <https://www.facebook.com/nemolchi.uz> (*FB group about GBV in Uzbekistan*)
- <https://nemolchi.uz/> (*organization that provide psychological, legal support, hotline*)
- <https://nemolchi.uz/help/#:~:text=%F0%9F%93%9E%D0%9A%D1%80%D1%83%D0%B3%D0%BB%D0%BE%D1%81%D1%83%D1%82%D0%BE%D1%87%D0%BD%D0%B0%D1%8F%20%D0%B3%D0%BE%D1%80%D1%8F%D1%87%D0%B0%D1%8F%20%D0%BB%D0%B8%D0%BD%D0%B8%D1%8F%20%D0%BF%D0%BE,%D0%9F%D1%81%D0%B8%D1%85%D0%BE%D0%BB%D0%BE%D0%B3%3A%20%2B998%2095%205795383> (*list of phone numbers of a hotline and organizations that support GBV victims*)
- <https://app.lila.help/> (*list of shelters and organizations by country*)