

WOMEN'S ACCESS TO JUSTICE IN CENTRAL AND EASTERN EUROPE AND CENTRAL ASIA

KARAT Coalition with Partners
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Introduction

KARAT Coalition's¹ initiative in promoting OP CEDAW² in Central and Eastern Europe and Central Asia³ highlighted that the victims of gender-based discrimination very rarely use the national legal mechanisms to exercise their women's human rights. Consequently, KARAT launched a pilot study⁴ to identify the barriers which prevent women from seeking justice at the national, and thus also international level, formulate the adequate recommendations (based on the established needs of women related to access to justice), and as a result improve the women's access to justice in the Region⁵.

The study revealed that the problem of barriers on the national level goes far beyond the legislative frameworks of the studied countries. In all five countries (Azerbaijan, Kyrgyzstan, Poland, Tajikistan and Uzbekistan), although the justice systems, national and thus also regional and international, guarantee the protection of women's human rights, they often fail when it comes to addressing most common, gender-specific violations of women's rights. A characteristic feature of these violations

is that they are deeply - rooted in tradition and/or religion of the societies and hence, are not recognized as a human rights issues. It is often that these patent violations are considered by the public, including women themselves as a normal consequence of the natural gender roles where a woman is subordinate to a men and his family, and is subjected to social control. The traditional and/or religious value systems also influence the attitude of the law enforcement institutions towards the acts of discrimination against women that happen in the families. They are reluctant to "interfere" in the so-called family issues even though it is where most of the acts, including all forms of violence against women, take place. For a woman questioning widely accepted codes of conducts may result in social ostracism, exclusion from the family, and in consequence the loss of livelihood as she is often economically dependent on a man.

This social acceptance of the so-called "tradition" (which is commonly also in line with religious rules and beliefs), is in fact acceptance of discriminative

behavior towards women. It prevents victims from exercising their rights at the national level and results in the extremely low number of cases on the ground of discrimination against women submitted from the Region to the international human rights' institutions⁶.

This factsheet is based on KARAT and its partners' reports⁷ from the study. The study did not aspire to provide a full picture of women's access to justice in the addressed countries. Instead it aimed at highlighting the need for a gender sensitive approach to the issue. It provides analysis of women's experiences related to selected cases of women's rights violations that were strongly influenced by tradition and/or religion. The specific types of violations that have been

analyzed are: domestic violence in Azerbaijan and Tajikistan, bride kidnapping in Kyrgyzstan, access to lawful abortion in Poland and trafficking in women in Uzbekistan. Although the study was confined to only some types of women's rights violations its outcomes and recommendations may be applicable to other countries where a widely accepted traditional and/or religious values significantly influence people's lives.

The problem of women's access to justice has been noticed by the CEDAW Committee which currently (January 2012) is working on the General Recommendations to provide the states with a guidance on the application of the CEDAW Convention.

Equal access to justice for women and men is essential to establish the law – governed state. The state's neglect of women's specific needs related to their access to justice automatically puts women in a position of second-class citizens. Even the most comprehensive women's human rights legislation does not eliminate discriminative practices if the state does not introduce social and education reforms to eliminate gender-biased stereotypes, enable the empowerment of women and real gender equality.

Azerbaijan

According to Azerbaijan's official data from 2010, over 35 percent of women declared that they were abused at homes by their husbands or husbands' relatives. A number of reported cases on domestic violence, however, is extremely low compared with a huge number of abused women who remain the silent victims⁸.

This large-scale violation of women's human rights occurs despite the fact that Azerbaijan is a country with a fairly comprehensive anti-discriminatory and gender equality oriented legislation, including equal access to justice. The Azeri women's rights are legally protected in Constitution of the Azerbaijan Republic, Criminal Code⁹, the Law On States Guarantees of Equal Rights for Women and Men as well as in a number of ratified by the country human rights treaties, including CEDAW Convention. The government has also taken specific measures to combat violence against women by adopting the Law on Prevention of Domestic Violence.

Despite a wide range of legislation which guarantees the Azeri women a right to seek justice

in case their human rights are violated, the anti-violence legislation is ineffectual.

The main reasons why women hide being mistreated by the members of their families are the instilled in people's minds subordinate role of a woman in family and society, and traditional attitude of Azeri society towards domestic violence as a "natural" and private matter. The women fear that turning to the law enforcement bodies for help and de facto breaking the taboo would bring shame upon the families and expose them to social ostracism. Abused women are often afraid of their husbands' retaliation as they do not think the law enforcement authorities are able to protect them. It is not rare that the police ignore a woman's testimony and expect her to reconcile with her husband regardless of its future consequences to her health or even life. If a woman, despite being intimidated and mocked, is determine to file for divorce she has to anticipate a long court battles for property and children, as well as condemnation of her family and lack of any support from them. Many Azeri women are not even

entitled to claim the assets or children after leaving their husbands since they were married in a presence of local religious leader and were not registered as wives in the official records.

Women's decision to exercise their rights to justice is also seriously influenced by a lack of own money, which is needed to seek legal assistance and to support themselves and their children after a divorce. In cases when parents arrange marriages of their underage daughters, these girls usually leave schools and do not receive proper education, which subsequently has an impact on their future lives, as it is very difficult for undereducated women to find decent jobs.

Kyrgyzstan

Every year hundreds of young Kyrgyz women are kidnapped and forced to get married to the complete strangers in most cases. Thousands of women suffer in silence not daring to object to the custom of bride kidnapping¹⁰.

This obvious violation of the women's rights occurs despite the fact that Kyrgyzstan has adopted the comprehensive legislation - national as well as international - against women's discrimination. The Kyrgyz Constitution guarantees the equality between women and men. Then, the practice of bride kidnapping is criminalized by the state's Criminal Code¹¹, the women are protected by the Law On Social-Legal Protection from Domestic Violence¹² as well as by CEDAW Convention and other human rights treaties. Taking into consideration an extremely low number of bride kidnapping cases¹³ reported to the law enforcement bodies the legislative measures adopted to protect women are hardly applied in the country.

One of the main reason why the majority of kidnapped and abused women do not even make an attempt to seek justice on a basis of national legislation is the way a girl child is brought up in obedience to traditional values and practices. The education system also does not question these values and practices, despite the fact that they promote

The traditional system of values, based on patriarchy, especially in rural regions of the country, puts women in a disadvantaged position irrespective of whether she is single, married or divorced. For many Azeri women - victims of domestic violence seeking justice at the national level means making a choice between being mistreated but continuing to live within a family, or initiate a long and difficult to win legal proceeds, the results of which do not always satisfy the women, and in many cases results in women after the divorce not being socially protected. Therefore, it is not surprising that not many victims of domestic violence decide to exercise their human women's rights through legal remedies.

gender-based discrimination and are contradictory to the state's modern legislation.

Then, most of the victims of kidnapping and forced marriages are not even aware that the state provides legal protection for them. Those who do, are afraid of negative reactions from the law enforcement bodies because a level of confidence in the state's institutions is very low in Kyrgyz society. A kidnapped woman is put under immense psychological pressure as she fears not only being damned and later harassed by the kidnapper and his relatives if she decides to leave his home but above all she fears a negative reaction from her own relatives, neighbors and others who know her. This is due to a deep-rooted belief that private matters should not go public as this brings shame on the family, and that a woman should accept her fate. In consequence, most of the kidnapped women succumb to persuasions and stay at kidnappers' homes. There they often suffer from physical and psychological violence being raped, beaten, forced to hard work and humiliated.

Since the kidnapped women rarely approach the law enforcement institutions it is not surprising that the law on women's protection is nearly defunct and no individual complaints concerning bride kidnapping crime has ever reached international bodies like CEDAW Committee.

Poland

In Poland abortion is criminalized. The Polish Family Planning Act, however, allows three exceptions: when a pregnancy constitutes a threat to woman's health or life (without time limits), when it results from an illegal act (up to 12 week) and when a fetus is heavily, irreversibly damaged or suffers from an incurable life threatening illness (up to fetus's viability).

In Poland there are approximately 10 million women of reproductive age but the number of legal abortions conducted in the state's hospitals annually is incredibly low, ranging from 124 in 2001 up to 641 in 2010¹⁴. Every year hundreds of Polish women are denied their right to decide whether to give birth to an incurably sick child or one conceived in a result of rape. Interestingly, almost none of the women¹⁵ seek justice on the grounds of rights' violations guaranteed in the Polish Family Planning Act and in a number of the national and international legal acts, including CEDAW Convention which protect women from gender-based discrimination and guarantee an equal access to justice.

One of the main reasons why the women are being deprived of an access to lawful abortion is an immense influence of the Catholic Church on Polish society, including health care providers, law enforcement officials and women themselves. The Church's long-term aggressive propaganda against abortion has made Poles consider abortion to be a murder and a taboo¹⁶. Consequently women face number of serious obstacles, when they want to exercise their right to a lawful abortion. First of all they are usually denied the necessary referrals to a hospital from their doctors, then they cannot find a hospital which would conduct the abortion¹⁷. The

time limits for a pregnancy's termination do not leave women much time to fight for their right to legal abortion. Consequently, most of them decide to use the abortion underground or terminate their pregnancies abroad.

The Polish health system as well as the justice system do not facilitate women's access to legal abortion. The criminalization of abortion in Polish legislation only assures the health care providers of their right to deny it and the legal instruments for better women's human rights' protection are often defunct in practice. For example the recently introduced appealing mechanism¹⁸ theoretically enables women to appeal doctors' opinions concerning the eligibility for legal abortion, but in practice it is not used by women¹⁹ and has become an additional barrier to women's access to justice at international level.

The instilled in people's minds negative attitude towards abortion causes that the women who seek an access to legal abortion fear not only the negative reactions of the hospitals' staff and law enforcement officers but also from their families. The women who live in small communities are especially exposed to social rejection as these communities are usually strongly influenced by the church's teaching.

The taboo of abortion in Polish society is so strong that it is not surprising that women do not have enough courage or determination to fight in courts against the system of religious values to claim their rights to lawful abortion. Consequently, no cases on women's rights discrimination concerning a refusal of access to legal abortion have ever been submitted to the CEDAW Committee.

Tajikistan

In Tajikistan "wife beating" is a widely spread phenomenon. Every year over 2,500 women - victims of domestic violence seek help in Crisis Centers which provide support for victims of violence. However, these women are exceptions as the majority of oppressed wives and daughters-in-law seek neither police nor social services' help.

The state's commitment to gender equality and

anti - discriminatory policy and practices has been expressed in the number of national legal acts. These include, but are not limited to the Constitution of Tajikistan and the Law On State Guarantees of Equality between Men and Women and Equal Opportunities for Their Realization. Tajikistan has also ratified a series of international human rights treaties, including CEDAW Convention²⁰. However,

there is not the specific law addressing domestic violence and a vast scale of women's mistreatment at homes indicates that the existing legislation is useless in face of a deeply-rooted social stereotypes and traditional practices.

Traditionally the status within the family of a young girl and newly married daughter-in-law is very low. A girl is brought up in obedience to her father or brother who possess the major decision-making authority. Once married, she is expected to be at the service of her in-laws and commit her life to children and housework, especially in rural areas. The instilled meekness and belief that she will be condemned by family, public opinion and law enforcement officers if she openly talks about being mistreated by a member of her family, refrain a woman from seeking justice.

The traditional attitude of Tajik society to domestic violence as a natural occurrence within a family is also reflected in a dismissive attitude of the law enforcement authorities towards domestic violence victims. The women are often urged to drop the charges against their oppressors and there are cases where later they are being accused of spreading slander about their husbands or relatives and

penalized. All of these effectively discourage women from looking for help and creates false conviction that seeking justice is pointless since they as women do not have any rights.

In Tajikistan a rather new concept of gender equality is valued much less than a traditional concept of family which determines a role of individual in society. Many women perceive losing their families²¹ in a result of reporting violence as much worse than suffering from family violence. Claiming their women's human rights often means also losing a livelihood as many Tajik women are economically completely dependent on their husbands and their families. It is also not rare that women live in unregistered marriages what deprives of their rights to property and children in case of divorce.

It is difficult to expect women who are not aware of their rights, fear of their husbands' reactions and social ostracism, do not have own money to live on, do not trust the law enforcement authorities and state's institutions, and know nobody who would give them at least a psychological support²² to strive for exercising their women's human rights at the national level, not to mention international one.

Uzbekistan

Uzbekistan is a source country for women and girls who become victims of trafficking, specifically for the purpose of sexual exploitation. Although the government of Uzbekistan has made strides in addressing transnational sex and labor trafficking by adopting the counter-trafficking legislation the problem of women who fell victims of trafficking and then were left without proper legal assistance still exists.

In Uzbekistan the principle of equality between men and women and non-discrimination, including on the grounds of gender, is guaranteed in several legal acts such as the state's Constitution, Labour Code. Furthermore, Uzbekistan is a state-party to CEDAW Convention²³, International Covenant on Economic, Social and Cultural Rights, and International Covenant on Civil and Political Rights. Uzbekistan has also adopted the law specifically addressing the issue of trafficking in persons such

as the Law On Combating Human Trafficking, and the human rights treaties on combating human trafficking.

Despite the number of counter-trafficking legal acts Uzbek women fall victims to traffickers and are forced to sex work. Returning home²⁴, however, does not necessary mean the end of their psychological ordeals as the taboo and stereotypes related to human trafficking and forced prostitution which prevail in the Uzbek society, prevent victims from seeking justice and help from the law enforcement institutions.

There is a deep-rooted bias towards sex work in the society and a woman is subjected to condemnation and stigmatization that is also noticed in a work of the law enforcement officers whose attitude towards women who found the courage to testify against their traffickers is often prejudiced and abusive. Furthermore, the police and prosecutors are often

unprepared as well as unwilling to identify the victims of trafficking and provide them with the adequate protection and support. It is not rare that these women later experience re-victimization being accused of illegal border-crossing and/or using false identity documents.

Consequently, the abused women whose fundamental human rights were seriously violated often do not seek justice on a basis of domestic anti-discriminatory and counter-trafficking legislation as they fear of social ostracism affecting not only them but also their relatives, negative attitude of the law enforcement institutions and retribution by

their traffickers. Many of them do not turn to the law enforcement bodies also out of cultural shame, unwillingness to stir their past, lack of trust in the state's institutions, including courts²⁵ or because they are not aware of their women's human rights and the fact that they can demand justice for themselves.

As the women who felt victims of human trafficking are often afraid or unwilling to pursue their human rights through legal proceedings at the national level it is hard to expect them to submit the cases on women's rights violation to the international institutions.

Barriers and recommendations

The outcomes of the study conducted in Azerbaijan, Kyrgyzstan, Poland, Tajikistan and Uzbekistan show that the barriers that hamper women's access to justice at the national and thus also at the international level cannot be eliminated simply by passing or ratifying the legislation acts. Although some of the barriers are purely of a legal nature, the major obstacles are socio-economic and cultural and are strongly connected to the link between gender and traditional and/or religious values prevailing in the above countries. As far as the law is concerned, however, the lack of holistic gender sensitive approach in legislation is characteristic for all studied countries.

The identified barriers that hamper women's access to justice:

1. Legal barriers:

- ▶ Adopted law is imperfect and does not address the needs of women (e.g., lack of specific law on domestic violence in Tajikistan or lack of definition of a "victim of human trafficking" in Uzbekistan).
- ▶ Lack of domestication of human rights treaties.
- ▶ Lack of ratification of OP CEDAW in Tajikistan and Uzbekistan.
- ▶ Lack of monitoring of the impact of given laws on women's situation in all areas of life, including their access to justice (e.g., criminalization of abortion in Poland seriously hampers women's access to legal abortion).

2. Institutional barriers related to the lack of or insufficient implementation of adopted law:

- ▶ Excessive and often corrupt bureaucracy.
- ▶ Gender-biased approach of the law enforcement institutions (e.g., victims of human trafficking in

Uzbekistan are often humiliated and charged for illegal prostitution or border crossing).

- ▶ Lack of institutional mechanisms for women's rights protection (e.g., institution of attaché for protecting Uzbek migrants' rights in destination countries; Women's Rights Ombudsperson).
- ▶ Insufficient knowledge about the human rights and gender oriented legislation of people directly responsible for its implementation like the police officers, custom officers, judges or health care providers.
- ▶ Insufficient number of women in the police forces in the countries of Central Asia and Azerbaijan.
- ▶ Limited access to the legal advice and judicial system (e.g., lack of legal institution's representatives in rural areas, high costs of legal advice, lack of information on legal measures available to victims of women's rights violations).

3. Socio-economic barriers:

- ▶ Low status of women in society.
- ▶ Economical dependence of women on their husbands and their families (e.g., *custom of early marriages in Azerbaijan or Kyrgyzstan condemns the women to housework and prevents them from earning their own money*).
- ▶ Lack of confidence in the state's institutions (e.g., *victims of domestic violence cannot rely on police support, victims of human trafficking in Uzbekistan often tend not to seek police's protection and punishment of their traffickers, in Poland women seeking access to lawful abortion risk facing the doctors' indiscretion*).
- ▶ Growing influence of conservative and religious forces (e.g. *Polish Catholic Church influences the public opinion and state's policy concerning women's reproductive rights*).
- ▶ Low level of women's education and legal literacy (e.g., *girls in rural areas of Central Asia cannot often complete even secondary education, are not sent to higher education institutions and marry while still in their teens, Kyrgyz men usually kidnap and marry the teenage girls depriving them of decent education*).
- ▶ Vulnerable position of internal and external women migrants.

- ▶ Strong position of informal religious leaders in the communities.

4. Cultural barriers:

- ▶ Traditional gender roles (e.g., *perceiving a woman in the context of her reproductive role which results in early marriages in the countries of Central Asia, polygamy in Tajikistan or extensive abortion underground in Poland*).
- ▶ Gender stereotypes persisting in a society.
- ▶ Stigmatization of certain behaviors as contradictory to traditional and/or religious values (e.g., *reporting domestic violence exposes a woman to social ostracism in Azerbaijan and Tajikistan, Kyrgyz woman who wants to leave the kidnapper's house is often condemned by her relatives and neighbors*).
- ▶ Patriarchal, sexist and judging attitude of society towards women (e.g., *negative attitude of public opinion towards divorced women in the countries of Central Asia, or women who terminated their pregnancies in Poland*).
- ▶ Maintaining family unity at the cost of women's rights.
- ▶ Cultivating the harmful practices (e.g., *bride kidnapping in Kyrgyzstan*).

Recommendations:

The large number of barriers which hamper women's access to justice at the national level indicates an urgent need for states to pay more attention to the systematic solutions.

In order to guarantee gender equality in practice and empower women to use the justice systems the states should take actions to:

1. Improve the legal framework by:

- ▶ Reviewing and revising of existing law in the context of its impact on women's rights protection and its coherence with gender equality and non discrimination.
- ▶ Ratification of OP CEDAW by the countries which have not done it yet.
- ▶ Establishing the Ombudsperson for gender equality.
- ▶ Adopting the specific legal acts addressing

women's rights violations which would guarantee the women's protection from discrimination in all areas of life.

- ▶ Ensuring that existing law recognizes and respects full range of sexual and reproductive rights secured in the Beijing Platform for Action and ICPD Program for Action (Cairo).
- ▶ Monitoring of law's implementation and its impact on women's rights protection.
- ▶ Observing the rule of secular state.

2. Improve the implementation of adopted law by:

- ▶ Providing the special trainings for law enforcement officers, judges and officials on the women's human rights and gender equality legislation.
- ▶ Providing the comprehensive system of support for victims of women's rights violations which would

facilitate their access to justice and offer them a broad range of help such as shelters, hot lines or free legal, psychological and medical services.

- ▶ Ensuring the criminal liability of perpetrators of women's rights violations and the adequate compensation for the victims.
- ▶ Allocating budget for financial compensation to victims of women's rights violations.
- ▶ Gathering and reviewing of data on women's rights violations.
- ▶ Ensuring the genuine accessibility of law enforcement institutions, legal services and juridical systems in respect of their proximity as well as their economic and procedural availability.
- ▶ Establishing the state's institutions responsible for protecting women's rights and gender equality, e.g. Ombudsman's institution.
- ▶ Ensuring that the number of women in the police forces is adequate to protect women's rights.
- ▶ Taking actions to counteract corruption and uphold the rule of law.
- ▶ Establishing the institutional platform of regular cooperation between women's rights oriented NGOs and the state's institutions.
- ▶ Developing the programs aimed at increasing the legal literacy of women at national and international level.

3. Improve the socio-economic situation of women by:

- ▶ Providing the comprehensive system of support for women who want to continue their education and/or to become economically independent from their families (e.g. gender sensitive labor law, vocational guidance and courses, scholarships).
- ▶ Providing the social guarantees for women like social benefits, medical insurance, pension and alimony.

- ▶ Conducting the regular campaigns on raising awareness in a society on women's human rights and gender equality.
- ▶ Sensitizing the public authorities and institutions to vulnerability of women migrants, including women from informal religious marriages and victims of human trafficking.
- ▶ Guaranteeing the separation of Church and State in the public institutions.
- ▶ Making public media promote gender equality concept in a society.

4. Eliminate the cultural barriers by:

- ▶ Ensuring that the education system - for both girls and boys - is free from any stereotypes related to the gender roles and promotes gender sensitive behaviors.
- ▶ Developing the programs for boys and men to increase their knowledge about the women's human rights and gender equality.
- ▶ Developing the programs for girls and women to increase their self-esteem.
- ▶ Monitoring of the impact of customs and traditions on the women's situation in all spheres of life.
- ▶ Eliminating traditional harmful practices.
- ▶ Involving the men in women's rights discourse and activities.
- ▶ Involving the informal religious leaders in activities for raising the women's status in a society and eliminating discrimination against women.
- ▶ Ensuring that the rights of people who are directly responsible for implementation of women's rights in the certain areas do not violate or limit these rights (e.g., *conscience clause and its influence on women's reproductive rights in Poland*).

The barriers that hamper women's access to justice in the region of Eastern and Central Europe and Central Asia demand the special attention of the CEDAW Committee and other Human Rights Treaty Monitoring Bodies. In order to facilitate the positive changes in the States Parties, the realization of the rule of equal access to justice at national level should be assessed through monitoring the number of lawsuits and cases of gender specific women's rights violations identified as socio-cultural taboo. In cases where the number of lawsuits is disproportionately low to a scale of discriminatory acts reported by women's rights advocates, it is recommended that the problem is pro-actively addressed by the CEDAW Committee (e.g. by applying the inquiry procedure provided by OP CEDAW). Furthermore, to make the international justice system more available to individual victims of women's rights violations, the admissibility criterion of exhausting the domestic legal remedies should be approached in a gender-sensitive manner and the reality of women's access to justice should always be taken into account.

Endnotes

- 1 KARAT Coalition is a network of 60 NGOs from Central and Eastern Europe and Central Asia. It works in the areas of Women's Human Rights, Gender in Development, and Economic and Social Justice. More at: www.karat.org
- 2 The Optional Protocol to the Convention on Elimination of All Forms of Discrimination against Women (OP-CEDAW) is a separate treaty that supplements the CEDAW Convention. It does not introduce any new rights but strengthens the Convention by establishing two procedures that can be used to address the violations of women's human rights: the communications procedure and inquiry procedure.
- 3 The promotion of OP CEDAW was conducted in eight countries of Central and Eastern Europe and Central Asia in years 2008 - 2009.
- 4 The study was conducted in five countries: Azerbaijan, Kyrgyzstan, Poland, Tajikistan and Uzbekistan in years 2010 - 2012
- 5 Central and Eastern Europe and Central Asia.
- 6 To date, there are only 13 decisions on the communications submitted under OP CEDAW. Only 5 of them were found admissible. Among the decisions there are only 2 cases coming from the region of Central and Eastern Europe and CIS countries, both of them from 1 state - Hungary.
- 7 Azerbaijan Gender Association "Symmetry", Forum of Women's NGOs of Kyrgyzstan, Public Foundation "Panorama" from Tajikistan, "Generation of the Future" from Uzbekistan and KARAT Coalition from Poland.
- 8 In Azerbaijan lives more than 4 million women, among them approximately 1 400 000 experience domestic violence. However, in 2010 there were only 3500 cases of official reporting on domestic violence.
- 9 Article 154 of CC states that violations of the principle of citizens' equality is punishable.
- 10 According to the Ombudsman of Kyrgyzstan and NGOs' data annually on average 14,000 girls and women fall victims to the bride kidnapping custom in the country.
- 11 According to 155 article of CC bride kidnapping and forced marriage are punished by fine or imprisonment up to five years.
- 12 Kyrgyzstan has implemented a number of other legislative acts which directly or indirectly address the women's human rights: Family Code, Administrative Code, Legislation on Legal Procedure and Procedural Law, Labor Code, Election Code, Law on Education.
- 13 According to the Institute of Ombudsman, in 2011 there were only 68 cases reported to the law enforcement institutions on bride kidnapping, but criminal charges were brought only in 6 cases.
- 14 According to the official Report on Realization of the Polish Family Planning Act.
- 15 Up to now only four cases against Poland concerning a denial of legal abortion have been submitted to the European Court of Human Rights. Two of them have already ended in a verdict in women's favor.
- 16 The influence of conservative forces on Polish society grew stronger after the political transformations in the 1990-ties. Before that abortions were legally conducted in all state's hospitals.
- 17 The health care providers and hospitals cite the right to the conscience clause. The Polish law does not specify in which situations the conscience clause can be used and the state does not monitor its use by the health care providers.
- 18 Poland has been obliged to introduce the appealing mechanism from doctor's opinion by the verdict of the European Court of Human Rights in the case *Alicja Tysiac v. Poland* in 2007.
- 19 The mechanism does not guarantee that the appeals will be examined objectively, a decision-making process is excessively long, and its procedure demands from women a certain level of legal literacy. Besides, the women are not informed about the possibility to appeal from doctors' opinions.
- 20 Tajikistan is not a State Party to the OP CEDAW
- 21 In many cases a woman who objects to family violence is expelled from a husband's house and taken away her children. To regain custody of them often means long battle in a court.
- 22 A woman who leaves her husband is often condemned and rejected also by her parents.
- 23 Uzbekistan has established a system of preparing and submitting the national reports and action plans on implementation of the provisions of CEDAW Convention. However, Uzbekistan is not a State Party to the OP CEDAW.
- 24 The women fall victims of international trafficking (UAE, Russia, Turkey, Kazakhstan) as well as internal trafficking (usually from rural areas to the big cities).
- 25 According to the project's research data, out of 17 women who applied to the court only 5 of them (29%) were satisfied with the courts' decisions.

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Koalicja KARAT
ul. Rakowiecka 39A/14
02-521 Warszawa
Tel. +48 22 849 16 47
tel./fax +48 22 628 20 03
secretariat@karat.org.pl
www.karat.org