



**Russian Federation’s Compliance with International Covenant on Economic, Social, and Cultural Rights**

**Suggested List of Issues Relating to the Foreign Agent Law and Gender-Based Violence**

**Submitted by The Advocates for Human Rights**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

## EXECUTIVE SUMMARY

1. This report addresses human rights issues such as the Russian Federation’s legislation on Foreign Agents and the lack of protection for women enduring violence against women, and especially domestic violence.
2. This report centers on information derived from interviews with Russian human rights defenders (HRD) who are directly impacted by Russia’s Foreign Agents law and who provide direct services to victims of domestic violence.
3. To protect the safety of the interviewees and witnesses, there will be no identifying information provided in this report. The citations refer to numerical internal codes assigned to the witness reports by the Advocates. Gender-neutral pronouns (they/them) will be used.

### **Russian Federation fails to uphold its obligations under the Covenant on Economic, Social, and Cultural Rights**

#### **I. The Law on Foreign Agents restricts civil society organizations and human rights defenders**

4. In its Concluding Observations, the Committee on Economic, Social and Cultural Rights (“The Committee”) noted concerns about the Foreign Agents Law and how it restricts the “operation” of non-governmental organizations (“NGOs”) that “engage in political activity, including those promoting Covenant rights.”<sup>1</sup> The Committee also had concerns about “persecution” faced by HRDs.<sup>2</sup>
5. In response to the Concluding Observations, the Russian Federation noted, “the priority for the legislature has been to ensure national security and to minimize the possibility of foreign interference in the country’s internal affairs,” and that “the regulatory mechanisms now in place make it possible to limit undesirable foreign influence in strategically important areas of Russian society.”<sup>3</sup> Thus, the Constitutional Court of the Russian Federation found the Foreign Agents Law “was not at variance with the country’s Constitution and international law.”<sup>4</sup> Additionally, the Russian Federation noted that the “political activities”, which the act is seeking to protect the country from do not include, “activities in the spheres of science, culture, the arts, health care, prevention and protection of public health, social services, social support and protection of citizens, protection of motherhood and childhood, social support for persons with disabilities, promotion of healthy lifestyles, physical education and sports, protection of flora and fauna and charitable work.”<sup>5</sup> Despite this claim, this report will discuss how the

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<sup>1</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of the Russian Federation*, (October 16, 2017), U.N. Doc. E/C.12/RUS/CO/6, ¶ 7.

<sup>2</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of the Russian Federation*, (October 16, 2017), U.N. Doc. E/C.12/RUS/CO/6, ¶ 7.

<sup>3</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 348.

<sup>4</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 336.

<sup>5</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 333.

Foreign Agents Law continues to restrict HRDs and organizations who work in the spheres mentioned above, namely HRDs whose work supports victim of domestic abuse.

6. In July 2022, the Russian Federation adopted amendments to its Foreign Agents Law, which became effective on December 1, 2022.<sup>6</sup> Any member of the media (broadly defined to both print and electronic media), anyone who communicates with a member of the foreign media, any HRD who communicates or works with foreign NGOs, or others on any matter that is said to “hurt or injure the safety of the Russian security system” can be labeled a Foreign Agent (“FA”).<sup>7</sup>
7. There is no due process associated with the designation of persons or organizations as FAs; their names simply appear on a list found on a government-controlled website, updated each Friday.<sup>8</sup> One women’s human rights defender (“WHRD”) who spoke to the Advocates asserted there was no notice that they were being considered as a possible FA.<sup>9</sup> This WHRD found out when friends told them their name was on the list.<sup>10</sup>
8. The frequency with which HRDs and organizations are being labeled FAs is also increasing.<sup>11</sup> In 2021, the number of people included on the FA registry was 108, whereas in 2022, that number was 188.<sup>12</sup> HRDs and other activists are being recognized as FAs “1.75 times more often” and fined “2.7 times more often.”<sup>13</sup> As a result of this increase in FA designation, financing of NGOs marked as FAs has decreased markedly, down 34% from 2021 to 2022.<sup>14</sup> This has a direct impact on the HRDs and other activists’ abilities to work.
9. In July 2023, new amendments to the law were accepted by the State Duma to include any associates of FAs.<sup>15</sup> In particular, the new additions would require “public authorities, organizations of all forms of ownership, their officials, as well as individuals, regardless of their citizenship, to take into account the restrictions associated with the status of an FA when

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<sup>6</sup> On Control over the Activities of Persons Under Foreign Influence, 255-FZ Federal Law, July 14, 2022, <http://publication.pravo.gov.ru/Document/View/0001202207140018?index=37&rangeSize=1>.

<sup>7</sup> Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, Communication to the Russian Federation, (Nov. 30, 2022), U.N. Doc. OL RUS 16/2022. Available online at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27630>.

<sup>8</sup> Statement 1, on file with the Advocates. Mar. 7, 2023.

<sup>9</sup> Statement 1, on file with the Advocates. Mar. 7, 2023.

<sup>10</sup> Statement 1, on file with the Advocates. Mar. 7, 2023.

<sup>11</sup> Коммерсантъ, “Минюст пересчитал агентов,” Accessed Aug. 1, 2023, <https://www.kommersant.ru/doc/5987148>.

<sup>12</sup> Коммерсантъ, “Минюст пересчитал агентов,” Accessed Aug. 1, 2023, <https://www.kommersant.ru/doc/5987148>.

<sup>13</sup> Коммерсантъ, “Минюст пересчитал агентов,” Accessed Aug. 1, 2023, <https://www.kommersant.ru/doc/5987148>.

<sup>14</sup> Коммерсантъ, “Минюст пересчитал агентов,” Accessed Aug. 1, 2023, <https://www.kommersant.ru/doc/5987148>.

<sup>15</sup> ГОСУДАРСТВЕННАЯ ДУМА ФЕДЕРАЛЬНОГО СОБРАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ, “Усиливается контроль за соблюдением законодательства об иноагентах,” Accessed July 31, 2023, <http://duma.gov.ru/news/57508/>.

carrying out their activities.”<sup>16</sup> It is unclear what are the exact restrictions. One interviewed HRD noted this law is incredibly vague and “[n]obody knows what this means exactly.”<sup>17</sup> Thus, any WHRDs who are labeled as FAs may be deterred from working for fear their fellow colleagues may be found to violate the law. Even a donation to an NGO registered as an FA may be enough to violate this new law.<sup>18</sup>

10. By joint letter dated November 30, 2022, the Special Rapporteurs for the Rights to Freedom of Assembly and of Association, and for the Situation of Human Rights Defenders, advised the Russian Federation that the Foreign Agents Law and its subsequent amendments contribute to “disproportionate and unnecessary criminalization and stigmatization of NGOs and activists,” which “affect not only their rights to freedom of expression and of association, but also violate their socioeconomic rights protected under the ICESCR such as the rights to work and adequate housing.”<sup>19</sup> The letter further reminded the Russian Federation of 17 prior communications expressing “similar concerns of serious human rights restrictions with regard to the adoption and implementation of the Foreign Agents Law and its subsequent amendments,” ranging in date from 11 July 2012 to 12 May 2022.<sup>20</sup>
11. The Foreign Agents Law has heavily restricted the services available for women who are victims of gender-based violence against women or discrimination. Organizations that promote gender equality or provide support to victims of domestic violence have been labeled as FAs.<sup>21</sup> A WHRD corroborated these designations, noting many of her colleagues are now labeled FAs.<sup>22</sup>
12. HRDs who are labeled as FAs are often forced to leave the Russian Federation given the circumstances.<sup>23</sup> A WHRD described how it is impossible to not only work but to live in Russia after being labeled a FA, as any violation of Foreign Agent Law can lead to a criminal conviction.<sup>24</sup> The WHRD shared that, in fact, convictions of FAs on additional charges is a

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<sup>16</sup> ГОСУДАРСТВЕННАЯ ДУМА ФЕДЕРАЛЬНОГО СОБРАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ, “Усиливается контроль за соблюдением законодательства об иноагентах,” Accessed July 31, 2023, <http://duma.gov.ru/news/57508/>.

<sup>17</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>18</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>19</sup> Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, Communication to the Russian Federation, (Nov. 30, 2022), U.N. Doc. OL RUS 16/2022, 8. Available online at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27630>.

<sup>20</sup> Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, Communication to the Russian Federation, (Nov. 30, 2022), U.N. Doc. OL RUS 16/2022, 1. Available online at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27630>.

<sup>21</sup> Coalition for the Sustainable Development of Russia, *The Invasion of Ukraine: Implications for the SDGS in Russia*, 70 (2023) <https://kurs2030.ru/en/report2023>.

<sup>22</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>23</sup> Statement 4, on file with the Advocates. Mar. 30, 2023.

<sup>24</sup> Statement 3, on file with the Advocates. July 18, 2023.

daily occurrence on the news.<sup>25</sup> For this reason, HRDs are fleeing the country out of risk of “criminal cases initiated against them.”<sup>26</sup>

13. The various amendments to the Foreign Agents Law greatly expanded its scope by making it more comprehensive and by increasing the range and penalties for the conduct it addresses. The amendments substantially increase the bureaucracy that civil society endures in the country and provide an extensive number of fines that a designated FA may face if they do not strictly comply with onerous and complex requirements of the law.<sup>27</sup> Firsthand information from WHRDs reveal how organizations often must hire an attorney or full-time staff person to deal with these requirements.<sup>28</sup> The requirements include having to submit two periodic reports. The first report is due once every three months, listing all money received from foreign sources, how the FAs' money was spent during the reporting period (regardless of where the money originates), and the aim or purpose of the work done with the money. The second report is due every six months to the Ministry of Justice, detailing how their work might hurt or injure the “safety of the Russian security system.”<sup>29</sup>
14. Despite the Russian Federation’s claim that the FA label not intended to form a negative attitude towards such an organization’s activities,” the effects of this label are discriminatory.<sup>30</sup> A WHRD stated in an interview that once an individual or organization is designated as a FA, it becomes impossible to get public/financial support for their activities.<sup>31</sup> In the same regard, another WHRD asserted that if her organization were to be labeled as a FA, she doesn’t know “how we will work,” her concerns are because FAs are prohibited from working with state organizations, and her organization “always work[s] with state bodies” because of the need for funding.<sup>32</sup> Interviewees expressed it is also very unlikely that any employer would hire a person deemed an FA,<sup>33</sup> further restricting individuals’ right to work. The interviewed WHRD further shared that banks could refuse to open accounts for those with an FA label as the information can easily be accessed and verified.<sup>34</sup> Moreover, an FA label must be present on all publications, including social media posts.<sup>35</sup> This leads to online abuse and discrimination and,

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<sup>25</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>26</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>27</sup> Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, Communication to the Russian Federation, (Nov. 30, 2022), U.N. Doc. OL RUS 16/2022. Available online at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27630>.

<sup>28</sup> Statement 1, on file with the Advocates. Mar. 7, 2023.

<sup>29</sup> Statement 1, on file with the Advocates. Mar. 7, 2023.

<sup>30</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 337.

<sup>31</sup> Statement 4, on file with the Advocates. Mar. 30, 2023.

<sup>32</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>33</sup> Statement 4, on file with the Advocates. Mar. 30, 2023.

<sup>34</sup> Statement 4, on file with the Advocates. Mar. 30, 2023.

<sup>35</sup> Statement 4, on file with the Advocates. Mar. 30, 2023.

as one WHRD put it, "[you] become a target of trolls and nasty comments whenever you publish anything online."<sup>36</sup>

15. **Suggested questions** relating to the Foreign Agents law:

- Please provide information on steps taken by the Government, if any, to revise the Foreign Agents Law to specify clearly whether the definition of "Foreign Agent" extend to shelters for domestic violence victims.
- What steps has Russia taken to revise the Foreign Agents Law to clarify that exchanging information with foreign governments, organizations or individuals, or accepting donations or other support from them such as training, does not by itself render anyone a Foreign Agent?
- Please provide information on the criteria the government uses to determine and publish who is a Foreign Agent.
- What steps has Russia taken to reduce the burden of the requirements of the Foreign Agents Law, including but not limited to: by omitting or at minimum reducing the fines and penalties for noncompliance; eliminating the requirement to report all expenditures or decreasing the frequency of such reports; eliminating the requirement that individuals and organizations labeled as FAs put a "Foreign Agent" label on all communications?
- What steps has Russian taken to ensure due process and transparency in the liquidations of all organizations liquidated for non-compliance with the Foreign Agents Law, Undesirable Organizations Law, or "Fake News" Laws," and pay them reparations?
- Please provide information on the measures taken for investigating, and prosecuting where appropriate, all physical attacks on journalists and HRDs that prevent journalists and HRDs from being able to work.
- Please provide information on the measures taken to ensure the safety of HRDs and their ability to do their work.

**II. Russian Federation fails to protect victim of domestic violence.**

16. In its Concluding Observations, The Committee raised concern over the lack of preventive measures taken by the Russian Federation to address domestic violence.<sup>37</sup> The Committee was further concerned about the lack of shelters available for victims of domestic violence.<sup>38</sup>

17. In response to the Concluding Observations, the Russian Federation stated that activities are carried out "to monitor the work of regional psychiatric services in providing medical care and counselling to the victims of domestic violence."<sup>39</sup> Furthermore, the Russian Federation emphasized that inter-agency mechanisms are being developed, such as the Russian Society of

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<sup>36</sup> Statement 1, on file with the Advocates. Mar. 7, 2023.

<sup>37</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of the Russian Federation*, (October 16, 2017), U.N. Doc. E/C.12/RUS/CO/6, ¶ 7.

<sup>38</sup> Committee on Economic, Social and Cultural Rights, *Concluding observations on the sixth periodic report of the Russian Federation*, (October 16, 2017), U.N. Doc. E/C.12/RUS/CO/6, ¶ 7.

<sup>39</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 38.

Psychiatrists of which the priority is to “partner with non-profit organizations” to prevent domestic violence.<sup>40</sup> The Russian Federation also noted that programs are being developed to train professionals in the context of domestic violence,<sup>41</sup> and that a working group has been established “to improve legislation and law enforcement practices for the prevention of domestic violence.”<sup>42</sup>

18. Domestic violence is a grave human rights issue in Russia, with insufficient legislation to hold abusers accountable and protect victims. Further, domestic violence remains de-criminalized in Russia.<sup>43</sup> In the absence of a specific domestic violence crime, victims must rely on injury or other criminal provisions. Injury-based provisions in the Criminal Code are divided into serious injuries: “middle” injuries (such as a broken hand), and “minor” injuries (such as a broken nose).<sup>44</sup> As a result, this leaves many forms of domestic violence, such as bruises, cuts, and long-term violence, outside the scope of injury-based provisions. Likewise, Russia does not have a law against stalking.<sup>45</sup>
19. In 2022, Russia adopted a new National Strategy for Women (“National Strategy”), which makes few concrete commitments or acknowledgments that would effectively counter domestic violence.<sup>46</sup> One WHRD described the National Strategy as sanitizing the issue of domestic violence.<sup>47</sup> Indeed, the National Strategy claims the number of crimes against life and health is decreasing, and the “proportion of victims (women) as a result of crimes against life and health committed against a family member has almost halved.”<sup>48</sup> This claim overlooks the very real possibility that women are deterred from reporting violence because of the inadequacy of the domestic legislation and systems actors’ response. Additionally, the National Strategy also amended a section (on page 9 of the plan) that previously was called “Preventing the social disadvantages of women and violence against women,” to “Preventing the social

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<sup>40</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 38.

<sup>41</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 38.

<sup>42</sup> Committee on Economic, Social and Cultural Rights, *Seventh periodic report submitted by the Russian Federation under articles 16 and 17 of the Covenant, due in 2022*, (November 16, 2022), U.N. Doc. Description, ¶ 381.

<sup>43</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>44</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>45</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>46</sup> Government of the Russian Federation, *Assessing and changing the status of women in the Russian Federation, No. 4356-r, II*, (Dec. 29, 2022), <http://static.government.ru/media/files/ilHtVCkhsKBAE9DAfID3AkpD787xAOc4.pdf>.

<sup>47</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>48</sup> Government of the Russian Federation, *Assessing and changing the status of women in the Russian Federation, No. 4356-r, II*, (Dec. 29, 2022), 8, <http://static.government.ru/media/files/ilHtVCkhsKBAE9DAfID3AkpD787xAOc4.pdf>.

disadvantages of women," thus highlighting the Russian Federation does not view combatting violence against women as a priority.<sup>49</sup>

20. One WHRD recounted a case example that exemplifies the importance of criminalizing stalking. The WHRD shared that they worked with a victim whose abuser was convicted of assault.<sup>50</sup> The abuser was stalking the victim and their family.<sup>51</sup> The abuser met them at their home, and at work, as well as cyber-stalking them.<sup>52</sup> The abuser would threaten to murder the victim and their family via text messages.<sup>53</sup> The abuser would break windows and doors down to get inside the victim's home.<sup>54</sup> At one point, the victim was beaten by the abuser, and on another occasion, the abuser threatened the victim with a knife.<sup>55</sup> The abuser placed a GPS tracker on the victim's mother's car to track her whereabouts.<sup>56</sup> Only after the mother found the GPS did the investigation committee initiate a criminal case against him.<sup>57</sup>
21. Following the criminal proceedings, the abuser continued stalking the victim and their mother.<sup>58</sup> This continued behavior compelled the victim to ask for state protection measures.<sup>59</sup> In response, the state give them body armor.<sup>60</sup> Russia normally has state protection measures for participants of criminal proceedings, including body armor, but these are never used for domestic violence cases.<sup>61</sup> These measures are only provided during criminal proceedings and are taken away once the perpetrator of the crime is convicted or acquitted.<sup>62</sup> Best practices in domestic violence responses generally include a restraining order, prohibition against committing further violence, contact (including through a third party), or stalking, and commensurate criminal sanctions for violation of such orders.
22. The abuser was prosecuted and convicted but his sentence was severely disproportionate to the severity of his conduct. The victim was able to change his initial punishment of 300 hours of community service to two years of restriction of freedom on appeal, meaning he could not leave his home city.<sup>63</sup> The authorities failed to monitor the abuser's whereabouts, and the abuser continued to leave the city with impunity.<sup>64</sup> At one point, the abuser even posted publicly his whereabouts in another country on social media.<sup>65</sup> The abuser was subjected to no

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<sup>49</sup> Coalition for the Sustainable Development of Russia, *The Invasion of Ukraine: Implications for the SDGS in Russia*, (2023) 70, <https://kurs2030.ru/en/report2023>.

<sup>50</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>51</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>52</sup> Statement 3, on file with the Advocates. July 18, 2023.

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<sup>55</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>56</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>57</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>58</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>59</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>60</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>61</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>62</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>63</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>64</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>65</sup> Statement 3, on file with the Advocates. July 18, 2023.



- consequences by the authorities.<sup>66</sup> Even now, the abuser continues stalking the victim and their family.<sup>67</sup> Currently, ankle monitors are used for house arrests in Russia for other crimes, and even in cases of infringement of the Foreign Agent Law,<sup>68</sup> but not in domestic violence cases.
23. There are multiple articles within the Russian Criminal Code that could be applied to stalking, such as Article 117 (“Torment”), Articles 30 & 105 (“Attempted Murder”), or Article 115 (“Intentional infliction of injury to health of average gravity”), but all require physical harm.<sup>69</sup> Even the provisions that do not require “actual bodily harm,” such as Articles 137-139 (protecting privacy) or Article 119 (“Death threats and threats of grave bodily harm”) are ineffective at preventing domestic violence and stalking.<sup>70</sup> Research found that victims have an “unbearable burden of proof” in court under these current laws and thus do not report cases.<sup>71</sup> It is imperative that separate laws criminalizing domestic violence and stalking be added to the Criminal Code. Government officials use claims of “traditional values” and the rejection of “liberal values” to resist reforms that would protect victims of domestic violence.<sup>72</sup> According to one lawyer, the “domestic violence problem [and] domestic violence legislation is a line for them. It’s a red line for them.”<sup>73</sup>
24. Cyberstalking is becoming a crime that is increasingly recognized as serious and widespread.<sup>74</sup> In the criminal legislation of the Russian Federation, cyberstalking is not criminalized unless the cyberstalking of a person leads to a tragic outcome, such as the death of the victim by suicide, coded under Article 110, part 2, paragraph d.<sup>75</sup> Article 110 is specifically about suicide incitement; therefore, cyberstalking is not considered an offence on its own.<sup>76</sup> Russian criminal legislation does not contain a definition of cyberstalking as the intimidation of a person through

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<sup>66</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>67</sup> Statement 3, on file with the Advocates. July 18, 2023.

<sup>68</sup> Radio Free Europe/Radio Liberty, “Russian Court Orders House Arrest For Activist Charged Under ‘Undesirable’ Law,” Accessed July 31, 2023, <https://www.rferl.org/a/russian-court-orders-house-arrest-for-activist-charged-under-undesirable-law/29726932.html/>

<sup>69</sup> Alisa Shilova, *Stalking as a Human Rights Violation: The Case of the Russian Federation*, Central European University Dept. of Legal Studies (2022), 31.

<sup>70</sup> Alisa Shilova, *Stalking as a Human Rights Violation: The Case of the Russian Federation*, Central European University Dept. of Legal Studies (2022), 32.

<sup>71</sup> Alisa Shilova, *Stalking as a Human Rights Violation: The Case of the Russian Federation*, Central European University Dept. of Legal Studies (2022), 32.

<sup>72</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>73</sup> Statement 2, on file with the Advocates. Mar. 30, 2023.

<sup>74</sup> Relações Internacionais No Mundo Atual, *Cyberstalking as a Type of Cybercrime: Counteraction Opportunities in Russian and International Legislation*, by Vitalii F. Vasyukov, Aleksandr Vladimirovich Bocharov, Evangiiia Kashina, and Dmitriy Aleksandrovich Singilevich (Curitiba/Paraná/Brazil: Centro Universitário Curitiba, 2022).

<sup>75</sup> Criminal Code of the Russian Federation, Article 110(2)(d).

<sup>76</sup> Relações Internacionais No Mundo Atual, *Cyberstalking as a Type of Cybercrime: Counteraction Opportunities in Russian and International Legislation*, by Vitalii F. Vasyukov, Aleksandr Vladimirovich Bocharov, Evangiiia Kashina, and Dmitriy Aleksandrovich Singilevich (Curitiba/Paraná/Brazil: Centro Universitário Curitiba, 2022).

means of communication.<sup>77</sup> Subsequently, there are no mechanisms in place for the protection of victims.<sup>78</sup>

*Shelters and alternative housing for women facing violence.*

25. Russia has failed to provide adequate housing for women victims of violence. The Russian State currently has no legislative initiatives to provide alternative housing to women and girls escaping from domestic violence, and victims of domestic violence are supported only by women's rights organizations and shelters.<sup>79</sup> These organizations and shelters are highly scrutinized by the Foreign Agents law, as mentioned previously in this report.<sup>80</sup>

26. **Suggested questions** relating to domestic violence:

- What measures has Russia taken to protect domestic violence victims, particularly for repeat offenders and in cases of low-level domestic violence?
- Will the Russian Federation take steps to criminalize domestic violence with sanctions that are proportionate to and reflect the gravity of the offense? If so, on what timeframe?
  - What steps has Russia taken to include stalking as a form of domestic violence?
- What measures will the Russian Federation undertake to provide adequate and effective forms of protection to victims of domestic violence, including an order for protection that, inter alia, prohibits further violence, any contact or third-party contact with the victim, and excludes the abuser from the vicinity of the victim by distance and locations (workplace, school, home)?
- What steps has Russia taken to ensure that victim lawyers have the guarantees to represent victims?
- Please provide information about the mechanisms used to gather data about domestic violence.
- Please provide information on the measures taken for training enforcement, healthcare, and social services agencies with a focus on the particular needs of women victims of violence and if such training is done in consultation with or led by civil society organizations.
- What steps has Russia taken to ensure the investigation ex officio of light injury cases related to violence against women, especially domestic violence?

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<sup>77</sup> *Relações Internacionais No Mundo Atual, Cyberstalking as a Type of Cybercrime: Counteraction Opportunities in Russian and International Legislation*, by Vitalii F. Vasyukov, Aleksandr Vladimirovich Bocharov, Evangiiia Kashina, and Dmitriy Aleksandrovich Singilevich (Curitiba/Paraná/Brazil: Centro Universitário Curitiba, 2022).

<sup>78</sup> *Relações Internacionais No Mundo Atual, Cyberstalking as a Type of Cybercrime: Counteraction Opportunities in Russian and International Legislation*, by Vitalii F. Vasyukov, Aleksandr Vladimirovich Bocharov, Evangiiia Kashina, and Dmitriy Aleksandrovich Singilevich (Curitiba/Paraná/Brazil: Centro Universitário Curitiba, 2022).

<sup>79</sup> Anna Zueva, *Who is helping domestic violence victims in Russia?*, Russia.Post, April 15, 2023, [https://russiapost.info/regions/domestic\\_violence](https://russiapost.info/regions/domestic_violence)

<sup>80</sup> Statement 3, on file with the Advocates. July 18, 2023.

- Please provide information about the measures taken by Russia to train judges, police, and prosecutors on the dynamics of domestic violence and best practice responses, including how to conduct a proper risk assessment.
- Please provide information whether Russia has explored, in cases where domestic abusers are subject to restrictions on their freedom, the use of ankle monitors as a potential option to monitor their whereabouts and consistently enforce such restrictions with commensurate penalties for any violation.
- Please provide information about the measures taken to provide and fund shelters for victims of domestic violence and violence against women.
- Please provide information on the measures taken by the Russian State to provide awareness campaigns on domestic violence and violence against women.
- What steps has the State taken to implement international human rights standards with regard to adopting a law on orders for protection for victims of domestic violence?
- What steps has the government of Russia taken to collect and publish data on crimes against women, such as cyberstalking?