



**Russia's Compliance with the Convention on the Elimination of Discrimination Against Women**

**Suggested List of Issues Relating to Domestic Violence and Foreign Agent Law**

**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. The Russian Federation's foreign agent law limits space for civil society, including women's organizations. The law targets both organizations and private individuals. The Russian Federation prevents domestic violence crisis centers from providing services to victims. The law has also allowed the Russian Government to interfere with the work of individual women human rights defenders.
2. Domestic violence and other forms of violence against women remain a serious problem in the Russian Federation. A 2016 law elevating domestic violence to public prosecution status obligated police and prosecutors to pursue a case after just one complaint. In 2017, however, the Russian Federation decriminalized first offenses of domestic violence. Victims of domestic violence face not only the barriers of inadequate legislation, but also poor police response and insufficient victim resources. The government has not effectively responded to the uptick in domestic violence cases during the coronavirus pandemic, putting victims of domestic violence in further danger.

### **The Russian Federation fails to uphold its obligations under the Convention on the Elimination of Discrimination Against Women (CEDAW)**

3. As a State Party to CEDAW, the Russian Federation is obligated to protect women from all forms of gender-based violence against women, including mental or sexual harm, threats, or other forms of coercion (Article 1, 2).<sup>1</sup> The Russian Federation must also ensure that women can enjoy full participation in public life, including participation in non-governmental organizations (Article 7). Moreover, The Russian Federation is obligated to treat women and men equally before the law (Article 15).<sup>2</sup>

#### **I. The Russian Federation continues to suppress of the work of civil society, including women's rights organizations, through broad "foreign agents" registration requirements.**

4. In its November 2015 Concluding Observations, the Committee expressed concern about 2012 amendments to Federal Law requiring non-governmental organizations receiving foreign funding to register as "foreign agents." The Committee also noted that this legislation has interfered with the work of women's rights organizations.<sup>3</sup> The Committee recommended that the Russian Federation revisit foreign agent legislation and ensure that women's rights organizations "may freely operate and raise funds."<sup>4</sup>
5. In its Ninth Periodic Report, The Russian Federation noted that in April 2014, the Constitutional Court ruled that the foreign agent law did not violate the Constitution or international law. The Russian Federation also clarified that the law exists in order to ensure

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<sup>1</sup> United Nations Convention on the Elimination of Discrimination Against Women, 1979, Art. 1.; Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 19: Violence Against Women*, (1992) U.N. Doc. INT\_CEDAW\_GEC\_3731\_E, ¶ 6.

<sup>2</sup> United Nations Convention on the Elimination of Discrimination Against Women, 1979, Art. 7(c).

<sup>3</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the eight periodic report of the Russian Federation*, (20 November 2015), U.N. Doc. CEDAW/C/RUS/CO/8, ¶ 15.

<sup>4</sup> *Id.*, ¶ 16.

that there is “appropriate monitoring”<sup>5</sup> of “non-profit organization(s) acting in the interests of foreign sponsors.”<sup>6</sup> Moreover, The Russian Federation emphasized that there are “no provisions in current legislation” that prevent women’s organizations from working toward gender equality.<sup>7</sup> Of the 182 organizations listed as non-profit organizations acting as foreign agents, four work on gender issues.<sup>8</sup>

6. Although the Russian Constitution provides for freedom of association, the State Party continues to use the foreign agents law to harass, stigmatize, and even halt the operation of NGOs that engage in purported political activity.<sup>9</sup> NGOs designated as “foreign agents” must identify themselves as such in all public materials.<sup>10</sup> In December 2019, the Duma passed a law raising the fines for noncompliance with these provisions to up to 1 million rubles (\$15,700) for NGOs.<sup>11</sup> For “serious violations,” the fine could be up to 100,000 rubles (\$78,500).<sup>12</sup> According to Freedom House, as of 2019, NGOs remain “under severe threat.”<sup>13</sup>
7. Authorities imposed fines on NGOs for failing to designate themselves as “foreign agents” on internet or printed materials.<sup>14</sup> For example, three NGOs run by human rights activist Lev Ponomarev received fines totaling more than \$46,000 for failing to mark their materials as originating from a “foreign agent.”<sup>15</sup> On November 1, 2019, the Supreme Court closed Ponomarev’s NGO “For Human Rights” for violations of the foreign agent law.<sup>16</sup> Additionally, the commission tasked with investigating foreign influences has accused established media outlets such as Radio Liberty, the British Broadcasting Corporation, and Voice of America of violating this provision in relation to elections coverage in September 2019.<sup>17</sup>
8. The foreign agents law also requires the Ministry of Justice to maintain a list of “undesirable foreign organizations.”<sup>18</sup> The law applies to foreign organizations deemed “dangerous to

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<sup>5</sup> Committee on the Elimination of Discrimination Against Women, *Ninth Periodic Report submitted by the Russian Federation under article 18 of the Convention, due in 2019*, (8 January 2020), U.N. Doc. CEDAW/C/RUS/9, ¶28.

<sup>6</sup> *Id.*, ¶34.

<sup>7</sup> *Id.*, ¶38.

<sup>8</sup> *Id.*, ¶36.

<sup>9</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 38. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Id.* at 39.

<sup>12</sup> *Ibid.*

<sup>13</sup> Freedom House, “Country Report, Russia” accessed April 21, 2020, <https://freedomhouse.org/country/russia/freedom-world/2020>.

<sup>14</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 38. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>.

<sup>15</sup> Radio Free Europe, “Russian Rights Group Fined 15<sup>th</sup> Time for Breaking ‘Foreign Agent’ Rule,” accessed April 24, 2020, <https://www.rferl.org/a/russian-rights-group-fined-15th-time-for-foreign-agent-rule-break/30210337.html>

<sup>16</sup> Front Line Defenders, “Supreme Court of Russia Decides to Liquidate ‘For Human Rights’ Movement,” accessed April 24, 2020, <https://www.frontlinedefenders.org/en/case/supreme-court-russia-decides-to-liquidate-human-rights-movement>.

<sup>17</sup> Radio Free Europe, “Russian Duma Commission Accuses Foreign Media of Breaking Election Law,” accessed April 21, 2020, <https://www.rferl.org/a/russian-duma-commission-accuses-foreign-media-of-breaking-election-law/30222253.html>.

<sup>18</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 39. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>.

the foundations of the constitutional order of the Russian Federation, its national security, and defense.”<sup>19</sup> Such organizations must close their operations and forfeit any assets to the authorities, and citizens working for them face up to seven years in prison.<sup>20</sup> By 2019, 19 foreign NGOs had been labeled “undesirable organizations” and they either closed or severely restricted their work.<sup>21</sup>

9. Women’s organizations, such as NGOs serving victims of domestic violence, are among the NGOs the government has listed as foreign agents.<sup>22</sup> Marina Pisklakova-Parker, who leads “Anna” (Association of Crisis Centers) in Moscow, said her organization was labeled as a “foreign agent.”<sup>23</sup> According to Pisklakova-Parker, The effect on her organization and the over 22, 000 women calling the hotline in the previous year was “paralyzing.”<sup>24</sup>
10. In December 2019, the state expanded the “foreign agents” law to allow the State Party to label private individuals as “foreign agents.”<sup>25</sup> Individuals who disseminate foreign media to an unspecified number of persons, and who receive funding from abroad, are required to register with the Ministry of Justice.<sup>26</sup> In order for individuals deemed “foreign agents” to publish materials inside the country, they must register a legal entity within Russia and register with the Ministry of Justice.<sup>27</sup> Fines for violations are capped at five million rubles (\$78,500).<sup>28</sup> Human rights groups have expressed particular concern over the threat this expanded definition of “foreign agent” poses to journalists.<sup>29</sup>
11. Authorities arrested a human rights defender and charged her with the criminal offense of working for an “undesirable foreign organization.”<sup>30</sup> Open Russia activist Anastasia Shevchenko, of Rostov-On-Don, is the first individual to be criminally charged with working for an undesirable foreign organization.<sup>31</sup> Shevchenko faces six years in prison.<sup>32</sup>

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<sup>19</sup> *Id.* at 40.

<sup>20</sup> *Ibid.*

<sup>21</sup> Freedom House, “Country Report, Russia,” accessed April 21, 2020, <https://freedomhouse.org/country/russia/freedom-world/2020>.

<sup>22</sup> Nemtsova, Anna. “In Russia, Activists Push to Enact More Protections against Domestic Violence.” *The World*, March 9, 2017. <https://www.pri.org/stories/2017-03-09/russia-activists-push-enact-more-protections-against-domestic-violence>.

<sup>23</sup> Nemtsova, Anna. “In Russia, Activists Push to Enact More Protections against Domestic Violence.” *The World*, March 9, 2017. <https://www.pri.org/stories/2017-03-09/russia-activists-push-enact-more-protections-against-domestic-violence>.

<sup>24</sup> Nemtsova, Anna. “In Russia, Activists Push to Enact More Protections against Domestic Violence.” *The World*, March 9, 2017. <https://www.pri.org/stories/2017-03-09/russia-activists-push-enact-more-protections-against-domestic-violence>.

<sup>25</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 25. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> Russia’s Putin Signs Law to Label People Foreign Agents, Reuters, Dec. 2, 2019, <https://www.reuters.com/article/us-russia-politics-media/russias-putin-signs-law-to-label-people-foreign-agents-idUSKBN1Y625T>.

<sup>30</sup> Open Democracy, “‘This is a public execution:’ Russian activist Anastasia Shevchenko on a year of house arrest”, accessed April 16, 2020, <https://www.opendemocracy.net/en/odr/anastasiya-shevchenko-rostov-interview/>.

<sup>31</sup> *Ibid.*

<sup>32</sup> Human Rights Centre Memorial, “‘Open Russia’ activist Anastasia Shevchenko is a political prisoner,” accessed April 16, 2020, [https://memohrc.org/en/news\\_old/open-russia-activist-anastasia-shevchenko-political-prisoner-memorial-says](https://memohrc.org/en/news_old/open-russia-activist-anastasia-shevchenko-political-prisoner-memorial-says).

Authorities had previously handled similar violations under administrative law.<sup>33</sup> In January 2019, authorities placed Shevchenko under house arrest, and as of March 2020 she remained there, not permitted even to walk outside her house without court permission.<sup>34</sup> The Human Rights Centre Memorial considers her to be a political prisoner.<sup>35</sup>

12. Among the groups most affected by the individual “foreign agents” requirements are journalists collaborating with foreign editorial offices.<sup>36</sup> The law impedes international media cooperation and is a tool to silence political opposition.<sup>37</sup>

13. **Suggested questions relating to the suppression of civil society through “foreign agents” measures.**

- Please provide comprehensive data about all prosecutions under the Foreign Agents Law and the Undesirable Foreign Organizations provision, including the number of charges, the factual allegations, the legal status of each person or entity charged, the number of prosecutions, the amount of foreign funding alleged and proven, the outcome of each prosecution, the penalty imposed in each case, and the current legal status of each entity in the Russian Federation.
- What measures has the State Party taken to either repeal or amend the Foreign Agents Law and Undesirables Law in accordance with recommendations from the Committee and other international stakeholders?
- What steps has the State Party taken to reduce the fine for non-compliance with the Foreign Agents Law?
- Does the Ministry of Justice adhere to the same checks and limitations placed on the prosecutor’s office by the Constitutional Court in conducting inspections of NGOs for compliance with the Foreign Agents Law, including prohibitions on demands that an NGO provide documents that other authorities or open sources already possess and on demands for documents that do not concern the goals of the inspection?
- What measures has the State Party undertaken to ensure that authorities implement precise rules for investigations under the Foreign Agents Law, including specific document request requirements and defined timelines for conducting such inquiries that are applicable to all authorities who conduct such inspections?

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<sup>33</sup> Amnesty International, Russia: “First criminal case under ‘undesirable organizations’ law marks a new level of repression,” accessed April 16, 2020, <https://www.amnesty.org/en/latest/news/2019/01/russia-the-first-criminal-case-under-the-undesirable-organizations-law-marks-a-new-level-of-repression/>.

<sup>34</sup> Open Democracy, “This is a public execution”: Russian activist Anastasiya Shevchenko on a year of house arrest”, accessed April 16, 2020, <https://www.opendemocracy.net/en/odr/anastasiya-shevchenko-rostov-interview/>.

<sup>35</sup> Human Rights Centre Memorial, “Open Russia” activist Anastasiya Shevchenko is a political prisoner, Memorial says, accessed April 16, 2020, [https://memohrc.org/en/news\\_old/open-russia-activist-anastasiya-shevchenko-political-prisoner-memorial-says](https://memohrc.org/en/news_old/open-russia-activist-anastasiya-shevchenko-political-prisoner-memorial-says).

<sup>36</sup> Reporters Without Borders, “Joint Statement, Russia: ‘Foreign Agents’ Bill Threatens Journalists,” accessed April 22, 2020, [https://rsf.org/sites/default/files/russia\\_joint\\_statement.pdf](https://rsf.org/sites/default/files/russia_joint_statement.pdf).

<sup>37</sup> Ibid.

- How does the State Party ensure that the Undesirables Law does not restrict access to information from non-Russian sources on human rights issues?
- How does the State Party ensure that the Foreign Agents Law is applied only to organizations that pose a demonstrable danger to the lives of citizens or residents of the State Party?
- How does the State Party protect the rights of journalists to report freely on matters of public concern, such as elections, domestic violence, abuse of State authority, and similar matters?

## II. The Russian Federation fails to protect women from domestic violence.

14. In its November 2015 Concluding Observations, the Committee expressed concern about the high rates of domestic and sexual violence. The Committee noted that there is significant underreporting of domestic violence due to the view that it is a private matter and to the lack of victim resources and shelters.<sup>38</sup> The Committee recommended that the Russian Federation introduce legislation to combat domestic violence and ensure proper prosecution of domestic violence cases, provide mandatory training to judges, prosecutors, and law enforcement on domestic violence, and establish shelters in both urban and rural areas for victims of domestic violence.<sup>39</sup>
15. In its Ninth Periodic Report, the Russian Federation emphasized that due to the 2016 amendment to the Criminal Code, domestic violence cases fell “by one quarter (or 23.4 percent).”<sup>40</sup> The Russian Federation also mentioned social service facilities for victims of domestic violence that “conduct measures to prevent family dysfunction, child neglect and abuse in the family.”<sup>41</sup>
16. Contrary to the State Party’s assertions in the State Party Report, domestic violence continues to be an endemic problem in Russia.<sup>42</sup> Government statistics show that at least 12,000 women are killed by domestic violence every year, with at least 40,000 women in the country affected by domestic violence.<sup>43</sup> Much domestic abuse in Russia goes unreported, which means these statistics likely fail to present the full picture; nonetheless, official records show that Russia has extremely high domestic violence rates relative to other countries.<sup>44</sup>
17. A 2016 legal measure gave hope for addressing this problem. That year, the State elevated domestic assault to public prosecution status, obliging the police and prosecutors to pursue cases after just one complaint.<sup>45</sup> That momentum, however, was short-lived. In February

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<sup>38</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the eight periodic report of the Russian Federation*, (20 November 2015), U.N. Doc. CEDAW/C/RUS/CO/8, ¶ 21.

<sup>39</sup> *Id.*, ¶ 22.

<sup>40</sup> Committee on the Elimination of Discrimination Against Women, *Ninth Periodic Report submitted by the Russian Federation under article 18 of the Convention, due in 2019*, (8 January 2020), U.N. Doc. CEDAW/C/RUS/9, ¶ 53.

<sup>41</sup> *Id.*, ¶ 54.

<sup>42</sup> New Humanist, “What happened after Russia decriminalized domestic abuse,” accessed April 17, 2020, <https://newhumanist.org.uk/articles/5326/what-happened-after-russia-decriminalised-domestic-abuse>.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

2017, rather than taking additional steps to prevent domestic violence and hold perpetrators accountable, the State decriminalized first-time domestic assaults.<sup>46</sup>

18. The decline in the number of domestic violence offenses noted in the State Party Report correlates in time with decriminalization.<sup>47</sup> It is likely the actual incidence of domestic violence has not decreased; rather, the removal of adequate legal protection has deterred women from coming forward to report violence. As noted in paragraph 21 below, some local officials reported a significant increase in reports of domestic violence after decriminalization. The Eighth Periodic Report captures a drop in cases documented by federal authorities, rather than an actual decline in cases of domestic violence.
19. The State Party adopted a National Action Strategy for Women from 2017-2022.<sup>48</sup> The plan focuses on two major issues: domestic violence and women's participation in public and political life.<sup>49</sup> The National Action Strategy calls for passage of a domestic violence law, yet the State has not passed one.<sup>50</sup>
20. Currently, a first-time assault that causes pain or minor injury is classified as a battery, which is an administrative offense.<sup>51</sup> If convicted, perpetrators pay a fine as low as 5,000 rubles (\$67.58 USD).<sup>52</sup> Violence that leaves "bruises, scratches or bleeding, but [does] not cause broken bones or concussion, [is] no longer a criminal offense" for the first incident.<sup>53</sup> Only if there is a second beating within a year is domestic violence considered a criminal offense; hence, police are no longer required to investigate the initial complaint of abuse.<sup>54</sup> A first incident of violence that results in moderate or severe bodily harm, such as broken bones or concussion, can be criminally punished under Articles 111 and 112 of the Criminal Code.<sup>55</sup>
21. After the State decriminalized domestic violence, city officials in Moscow said that reports of domestic violence to the human rights ombudswoman in that city "skyrocketed."<sup>56</sup> As explained above, federal documentation likely fell after repeal of the domestic violence law. According to the Moscow city human rights ombudswoman, the people most likely to lodge

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<sup>46</sup> New Humanist, "What happened after Russia decriminalized domestic abuse," accessed April 17, 2020, <https://newhumanist.org.uk/articles/5326/what-happened-after-russia-decriminalised-domestic-abuse>.

<sup>47</sup> Human Rights Committee, *Eighth periodic report submitted by Russia*, (April 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 144, 145.

<sup>48</sup> Council of Europe, "Co-operation on the implementation of the Russian Federation National Action Strategy for Women from 2017-2022," accessed April 19, 2020, <https://www.coe.int/en/web/genderequality/russian-federation-national-action-strategy-for-women-2017-2022->.

<sup>49</sup> *Ibid.*

<sup>50</sup> Nadezhda Azhgikhina, *Domestic Violence is Russia's Shame*, *The Nation*, December 17, 2019, <https://www.thenation.com/article/archive/domestic-violence-russia/>.

<sup>51</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>52</sup> *Ibid.*

<sup>53</sup> New Humanist, "What happened after Russia decriminalized domestic abuse," accessed April 17, 2020, <https://newhumanist.org.uk/articles/5326/what-happened-after-russia-decriminalised-domestic-abuse>.

<sup>54</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>55</sup> *Ibid.*

<sup>56</sup> *Moscow Domestic Violence Appeals Skyrocket after Decriminalization Law*, *The Moscow Times*, April 24, 2018, <https://www.themoscowtimes.com/2018/04/24/moscow-domestic-violence-appeals-skyrocket-after-decriminalization-law-a61247>.

complaints with her office about abuse by family members are women, children, and the elderly.<sup>57</sup> The national Human Rights Ombudswoman called decriminalization a “mistake” because it leaves unprotected people who are harmed by family members.<sup>58</sup>

22. In addition to the inadequacies of the law, domestic violence victims face an inadequate police response and insufficient resources for assistance. Police often treat domestic violence without the appropriate level of seriousness, an issue acknowledged by the Chairwoman of the Federation Council, Valentina Matviyenko.<sup>59</sup> Russian authorities seem to view domestic violence as a private matter, directing complaining victims to undertake private prosecutions instead of holding offenders accountable to the State.<sup>60</sup> One well known example is Yana Savchuk of Oryel.<sup>61</sup> In November, 2019, Savchuk called the local police complaining that she feared her boyfriend would kill her.<sup>62</sup> Declining to detain the abuser, the female officer’s reply was recorded on Savchuk’s phone: “Don’t worry. If he kills you, we will come to examine the body.”<sup>63</sup> Savchuk’s boyfriend killed her that day.<sup>64</sup>
23. Authorities also appear to be under-utilizing Criminal Code provisions on serious assault, which could apply to domestic violence. Article 117 of the Criminal Code prohibits infliction of physical or mental suffering through systematic beatings or other violent acts.<sup>65</sup> In 2018, courts convicted only 1,673 people of systematic violence under Article 117, and they imposed prison terms in only 525 of those cases.<sup>66</sup>
24. Victims also lack access to effective protection against their abusers, and victim services are insufficient. There is no legal protective or restraining order available for domestic violence victims.<sup>67</sup> The State and civil society provide shelters for victims, but the number of shelters is far from adequate.<sup>68</sup> As of 2015, there were only 22 crisis centers for women and 23 hostels for women with minor children, offering a total of 1600 shelter spots in a nation of over 78 million women.<sup>69</sup> The State Party has not published more recent data regarding the availability of shelters and crisis centers for women.<sup>70</sup> Existing support

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<sup>57</sup> Ibid.

<sup>58</sup> *Decriminalization of Domestic Violence Was a “Mistake,” Russian Official Admits*, The Moscow Times, December 3, 2020, <https://www.themoscowtimes.com/2018/12/03/decriminalization-domestic-violence-was-mistake-russian-official-admits-a63688>.

<sup>59</sup> Riddle, “The Ongoing Fight for Protection from Domestic Violence in Russia,” January 15, 2020, accessed April 19, 2020, <https://www.ridl.io/en/the-ongoing-fight-for-protection-from-domestic-violence-in-russia/>.

<sup>60</sup> Human Rights Watch, *I Could Kill You and No One Would Stop Me’: Weak State Response to Domestic Violence in Russia*, October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.

<sup>61</sup> Riddle, “The ongoing fight for protection from domestic violence in Russia,” accessed April 19, 2020, <https://www.ridl.io/en/the-ongoing-fight-for-protection-from-domestic-violence-in-russia/>.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Human Rights Watch, *I Could Kill You and No One Would Stop Me’: Weak State Response to Domestic Violence in Russia*, ISBN: 978-1-6231-36703, October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.



centers are located in Moscow, Saint Petersburg, and several other large cities, leaving rural women without shelter.<sup>71</sup> The number of support shelters is well below the number recommended by the Council of Europe, of which the State party is a member.<sup>72</sup>

25. Regional human rights mechanisms have criticized the absence of adequate legislation. In July 2019, the European Court of Human Rights issued a ruling that “the continued failure to adopt legislation to combat domestic violence and the absence of any form of restraining or protection orders clearly demonstrated that the authorities’ actions in the applicant’s case were not a simple failure or delay in dealing with violence against the applicant, but flowed from their reluctance to acknowledge the seriousness and extent of the problem of domestic violence in Russia and its discriminatory effect on women.”<sup>73</sup>
26. International human rights mechanisms have similarly condemned the State’s response to domestic violence. In 2019, the Committee on the Elimination of Discrimination Against Women determined that the State inadequately protected victims of violence.<sup>74</sup> In a case involving a Russian woman who reported her partner’s abuse to the police over a three-year period, the CEDAW Committee noted that the police reports never led to a conviction or to any protective measure. The CEDAW Committee concluded that, “by failing to provide effective legal protection to the author and by failing to address her case in a gender-sensitive manner, the national authorities allowed their reasoning to be influenced by stereotypes.”<sup>75</sup>
27. The absence of safe options for women experiencing domestic violence may lead women to take drastic measures to protect themselves. A 2016-2018 analysis of 2,488 verdicts in which a woman was convicted of murder demonstrated that 80% of offenders were victims of domestic violence.<sup>76</sup> Out of 4,388 manslaughter verdicts involving excessive self-defense, 90% were women who were defending themselves against domestic violence.<sup>77</sup>
28. One highly publicized case illustrates the lack of options for women and girls trapped in violent homes. Three Moscow-based sisters were charged with the murder of their father after what they say were years of sexual and physical violence at his hands.<sup>78</sup> The father beat the girls most days, frequently sexually assaulted them, and monitored their activities.<sup>79</sup> The girls’ mother had reported his violence against her to police, including abuse with a baseball bat, but police took no action.<sup>80</sup> The father evicted the mother from the home and threatened to kill her if the girls joined her, leaving the three to suffer his abuse without

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<sup>71</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>72</sup> Human Rights Watch, *I Could Kill You and No One Would Stop Me’: Weak State Response to Domestic Violence in Russia*, October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.

<sup>73</sup> *Volodina v. Russia*, no. 41261/17, communicated on 9 July 2019.

<sup>74</sup> Communication No. 65/2014, CEDAW/C/72/D/65/2014.

<sup>75</sup> *Ibid.*

<sup>76</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>77</sup> *Ibid.*

<sup>78</sup> Nina Nazarova, *Khachaturyan Sisters Who Killed Father Touch Russian Hearts*, BBC Russian Service, August 22, 2019, <https://www.bbc.com/news/world-europe-49318003>.

<sup>79</sup> Marc Bennetts, *Protests in Russia as sisters face jail for killing abusive father*, The Guardian, June 27, 2019, <https://www.theguardian.com/world/2019/jun/27/russia-protests-as-sisters-face-jail-for-killing-abusive-father>.

<sup>80</sup> *Ibid.*

help.<sup>81</sup> A domestic violence advocate noted, "[t]here was no one they could turn to. Police in Russia think that domestic violence is a private, family affair and that there is no reason for them to get involved in this."<sup>82</sup> She added, "[t]hose women who are forced to defend themselves often end up in prison."<sup>83</sup> After international scrutiny, public outrage, and protest, officials dismissed murder charges against the three sisters as self-defense.<sup>84</sup> Yet the case demonstrates the vulnerable situation of many women trapped in a home with their abuser.

29. Russia's response to the coronavirus pandemic has created more problems for victims of domestic violence.<sup>85</sup> Russia's human rights ombudswoman said that domestic violence complaints and reports increased by 2.5 times during their government's lockdown.<sup>86</sup> Women's rights organizations say the government is doing nothing to respond to this situation, ignoring pleas to set up more shelters and hotlines for victims.<sup>87</sup>

30. Activists are advocating for a law criminalizing domestic violence and greater access to legal and social assistance and protection for victims.<sup>88</sup>

### 31. Suggested questions relating to protecting women from domestic violence:

- What was the justification for the State Party's decision to decriminalize first instances of domestic violence? What measures is the State Party taking to criminalize the first instance of domestic violence, and when will it adopt those measures?
- What efforts is the State Party undertaking to enact a domestic violence law that makes domestic violence a stand-alone offense, to be enforced with arrest, and if appropriate, a sentence of jail time that is commensurate with other violent crimes? What procedures are in place to ensure that the public has the opportunity to provide substantive comments on any such draft law prior to adoption?
- What procedures are in place to track reports of domestic violence and to compile data about the numbers of domestic violence incidents reported to police? Please provide disaggregated data about domestic violence cases over the reported period, including number of police reports, complaints, charges, prosecutions, convictions, and penalties.

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Radio Free Europe, "Russian Prosecutors Drop Murder Charges Against Sisters Who Stabbed Their Father," accessed April 19, 2020, <https://www.rferl.org/a/russia-prosecutors-drop-murder-charge-sisters-killed-father/30409288.html>.

<sup>85</sup> "Russia: Domestic Violence Reports Spike amid Virus Lockdown." Associated Press, May 5, 2020.

<https://news3lv.com/news/nation-world/russia-domestic-violence-reports-spike-amid-virus-lockdown>.

<sup>86</sup> Ibid.

<sup>87</sup> "Russia Domestic Violence Cases More than Double under Lockdown." Guardian News and Media, May 5, 2020.

<https://www.theguardian.com/world/2020/may/05/russia-domestic-violence-cases-more-than-double-under-lockdown>.

<sup>88</sup> Margo Tiounine, "Why Russia is Divided Over Domestic Violence." Online video clip. *Financial Times*. Financial Times, January 26, 2020, Accessed April 19, 2020, <https://www.ft.com/video/67ee39e4-4b43-485e-bf07-ad36afef1d73>.

- What policies and procedures are in place to ensure that victims of domestic violence are protected from their abusers, even without the involvement of criminal authorities? Do these procedures allow for removal of the abuser, no contact in any way with the applicant, and for children to stay in the home with the applicant? What other measures does the State Party take to ensure the safety of victims of domestic violence?
- What efforts has the State Party undertaken to adopt a protection-order law that is to be enforced with arrest and jail time upon breach of that order?
- How does the State Party ensure that domestic violence is treated as a matter of State concern, and not just a private, family problem?
- How is the State working to increase the awareness of State actors such as police and prosecutors as to the seriousness of domestic violence, that it is a matter of public safety and concern, and its potential for grave or deadly harm? How does the State Party involve NGOs that serve domestic violence victims in such awareness-raising efforts?
- How is the State Party raising public awareness of the harm posed by domestic violence and about the legal remedies and services available to victims?
- How many shelter beds or positions are currently available to victims of domestic violence? What steps is the State party taking to increase the number of shelters in both rural areas and cities to meet the Council of Europe's recommended provision of 1 bed per 10,000 citizens?
- How does the State Party ensure that victims of domestic violence receive social and legal assistance proportionate to the scope of the need? What policies and procedures are in place to ensure that such assistance is accessible to victims and to minimize barriers to eligibility?
- What steps, if any, has the State Party taken to prioritize the safety of domestic violence victims during the coronavirus pandemic?