



Submission by

the Russian movement 'Silver Rose' of sex workers and those who support us to protect the health, dignity and human rights and the Eastern European and Central Asian Sex Workers' Alliance

for the 64th Committee against Tortures session in Geneva (23 July – 10 August 2018)
Pertaining to the Sixth Periodic Report of the Russian Federation

The Silver Rose movement is a Russian movement sex worker leaders and activists. Its mission is to contribute to policies for sex workers based on humanity, tolerance, health promotion and protection of human rights and dignity. Established in 2003, the movement today brings together 450 sex worker leaders in over 35 regions of Russia. In 2013, the Russian Ministry of Justice twice refused the Silver Rose to register officially referring to the prohibition of prostitution in Russia¹. In 2017, according to the decision of the Silver Rose meeting, the Eastern European and Central Asian Sex Workers' Alliance was registered to pursue an identical mission.

The submission provides information that is relevant to Russia's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This report describes violence by law enforcement, justified by the need to punish women or men who do not obey a moral code of gender behavior by engaging in sex work, under the Russian Administrative Code Article 6.11 [Engagement in prostitution].

Sex workers are "female, male and transgender adults and young people who receive money or goods in exchange for sexual services, either regularly or occasionally, and who may or may not consciously define those activities as income-generating".² The term "sex worker" is increasingly used, as it is considered less stigmatizing and a better descriptor of workers' experiences than the word "prostitute".³ The International Labour Organization recognizes voluntary sex work as a form of labour⁴ as does the Committee on the Elimination of all Forms of Discrimination Against Women.⁵

Article 2 of the CAT states that governments shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.⁶ **Article 16 of the CAT**, section 1, prohibits acts of degrading treatment, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity; section 2 prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.⁷ By this

¹ F. S. E. Arps and M. Golichenko. Sex Workers, Unite! Litigating for Sex Workers' Freedom of Association in Russia. Health and Human Rights International Journal, December 2014.

² UNAIDS, "Sex work and HIV/AIDS", UNAIDS Technical Update (2002), p. 3.

³ Ibid. The term "sex worker" shall be used throughout this report, except where relevant materials use other terminology.

⁴ Lim, The Sex Sector: the economic and social basis of prostitution in SE Asia, ILO 1998).

⁵ Committee on the Elimination of Discrimination against Women, Concluding observations on second and third German periodic country report, 2000, para. 325.

⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1) <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

⁷ Ibid

Article, the obligations of Articles 10 to 13 apply also to degrading treatment. Article 12 obliges the State Party to effective investigations of maltreatment and Article 13 gives victims of degrading treatment the right to an effective complaint. Article 10, section 1, obliges the State Party to educate officers about the prevention of degrading treatment, section 2 obliges the State Party to include the prohibition of degrading treatment in their rules of conduct, and Article 11 obliges the State Party to monitor these rules and their implementation.⁸

In 2000, the Committee addressed some of the issues relevant to sex worker experience with police abuse in an official reaction to a United States report on its' CAT progress.⁹ The Committee expressed ongoing concern for «the number of cases of police ill-treatment of civilians», and “alleged cases of sexual assault upon female detainees and prisoners by law enforcement officers and prison personnel.” It continued, “Female detainees are also very often held in humiliating and degrading circumstances”, and recommended the U.S. “take such steps as are necessary to ensure that those who violate the Convention are investigated, prosecuted and punished, especially those who are motivated by discriminatory purposes or sexual gratification.”¹⁰

In 2008, Zi Teng submitted a shadow report when Hong Kong was reviewed by the Committee¹¹ describing abusive police searches and accused undercover officers of receiving free sexual services under false pretenses. The Security Bureau argued in a local legislative hearing that the police were only permitted to receive intimate ‘massage’ services to gain evidence. However, Zi Teng cited 22 complaints from sex workers in which undercover police officers had allegedly received oral or penetrative sex before making arrests. The CAT requested the Hong Kong government to supplement its report with information about the treatment of sex workers. The Hong Kong government insisted that there is an operational need for the police to conduct covert operations but it assured the Committee that it had recently revised its internal guidelines so that undercover police officers would be subjected to more ‘vigorous control’ on the extent of body contact. The government also developed new guidelines on body searches of sex workers and other people held in detention. While welcoming the guidelines, the Committee questioned why body searches are automatic for everyone in police custody and criticized the continued use of strip searches. It urged the government to find alternative means for routine screenings of persons in detention, to use body cavity searches only as a last resort.

In 2011, Sex-Workers Forum of Vienna, an international incorporated nongovernmental not-for-profit organization, chartered at Vienna, Austria, and working to protect and promote the human rights of adult women, men and transgender persons in voluntary sex work, with a particular focus on the German-speaking countries, in their report the United Nations’ Committee Against Torture pertaining to Austria’s 5th periodic report argues that:

- If a sex worker agrees to a sexual penetration with an undercover agent, who does not reveal his true identity in order to prove prostitution, this is rape. International criminal law requires that the undercover agent be punished for such act. This can be classified as torture in the case of sexual penetrations, and degrading treatment as this Convention confers a positive obligation upon the State Party to set up a mechanism of prevention of sexual acts between undercover agents and the persons, whom this investigation targets.
- If a sex worker agrees to other sexual acts with an undercover agent, e.g. presenting herself in lingerie, because the agent did not reveal his true identity in order to prove prostitution, this is sexual violence (e.g. forced nudity). International criminal law requires that the undercover agent be punished for such act. Moreover, such act is degrading treatment, at least.
- If the above testimonies and cases indicate a systematic violation of Article 16 together with Articles 12 and 13 CAT, as far as degrading treatment of women is concerned. The systematic character of these violations is a result of lacking prevention, invoking Articles 10 and 11 CAT.

⁸ Submission from Sex-Workers Forum of Vienna to the United Nations’ Committee Against Torture pertaining to Austria’s 5th periodic report CAT/C/AUS/4-5 at the 44th session (26 April to 14 Mai 2010), p. 5, http://www2.ohchr.org/english/bodies/cat/docs/sexworker_uncat_Austria44.pdf

⁹ Encyclopedia of Prostitution and Sex Work, Volume 1, edited by Ditmore M., 2006, p. 675

¹⁰ Conclusions and Recommendations of the Committee against Torture, United States of America, U.N.Doc.A/55/44, paras 175-80, 2000

¹¹ Petersen C. J. Preserving Traditions of Breaking the Mold? Transnational Human Rights Processes in the People’s Republic of China and Hong Kong Transnational Legal Processes and Human Rights, edited by Topidi K and Fielder L., The University of Lucerne, Switzerland, 2013, p. 140-145

In 2016, the Committee referred to sex work twice. In the Concluding Observations on Tunisia (paras 41 and 42) it noted concerns similar to those related same-sexual practices (i.e. vaginal examinations, sometimes performed without consent, to prove “acts of prostitution”). In the Concluding Observations on Namibia (paras 38 and 39) CAT expressed its concerns and made recommendations for violence against “persons selling sexual services.”¹²

Measures to reduce sex workers’ vulnerability to police violence

In its 2013 publication on how to implement comprehensive HIV/STI Programs with sex workers, WHO, UNFPA, UNAIDS, NSWP, World Bank and UNDP overlook actions to **“decriminalize or de-penalize sex work in order to reduce fear among sex workers and increase condom use”** as a part of HIV national policies.¹³

The Amnesty International, in its 2016 policy paper entitled "Amnesty International Policy on State Obligations to Respect, Protect, and Fulfil the Human Rights of Sex Workers," wrote:

“Amnesty International considers that to protect the rights of sex workers, it is necessary not only to repeal laws which criminalize the sale of sex, but also to repeal those which make the buying of sex from consenting adults or the organization of sex work... The stigmatized and criminalized status that sex workers experience gives law enforcement officials in many countries the scope to harass, extort and perpetrate physical and sexual violence against them, also with impunity. When they are not threatened with criminalization/penalization, sex workers are better able to collaborate with law enforcement to identify perpetrators of violence and abuse, including human trafficking.”¹⁴

In December, 2017, Medecins du Monde – France (MdM - France) recommended to states **to decriminalise sex work, which entails no longer considering sex work an offence (criminal or other) or a form of deviant behavior ”** :

“Due to the detrimental effect of laws that repress sex workers, limit their ability to act, their emancipation and contribute to their social stigmatisation, Doctors of the World-France is in favour of the decriminalisation of sex work and an effective and sustainable application of international and national legal frameworks, allowing people who are vulnerable and exploited to be protected. In addition, Doctors of the World-France positions itself against hygienist approaches to sex work, which can underpin certain legislation. These approaches aim to legally regulate sex work with a view to protecting the "general" population from the circulation of diseases or infections of which sex workers are identified as being potential vectors. Under the guise of better addressing the problem, they usually mask moral positions of condemnation towards sex workers and may resemble and/or lead to a form of social control. ”¹⁵

In June 2018, ILGA-Europe launched its latest position paper on the rights of LGBTI sex workers calling for decriminalization:

“ILGA- Europe acknowledge that decriminalization is a cornerstone of the protection of sex workers’ human rights. ”¹⁶

¹² International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kirichenko K, United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics 2016 (Geneva: ILGA, November 2017)

¹³ Implementing comprehensive HIV/STI programmes with sex workers: Practical approaches from collaborative interventions, WHO; UNFPA; UNAIDS; NSWP; World Bank; UNDP, p. 89, October 2013.

¹⁴ Amnesty International, Amnesty International Policy on State Obligations to Respect, Protect, and Fulfil the Human Rights of Sex Workers, May, 2016.

¹⁵ Health and Rights of sex workers, Position paper, Medecins du Monde – France (MdM – France), December 2017, <https://www.medecinsdumonde.org/fr/actualites/publications/2017/12/14/sante-et-droits-des-travailleuses-seurs-du-sexe>

¹⁶ Empowering LGBTI sex workers towards the full respect of their fundamental rights, ILGA-Europe position paper, https://www.ilga-europe.org/sites/default/files/ilga-europe_policy_-_lgbti_sex_workers_spring_2018_final.pdf

The Special Rapporteur on extreme poverty and human rights reports the criminalization of sex work can be a climate that severely reduces personal safety of sex workers and fuels violence and impunity:

“The criminalization of sex work in Namibia lies at the foundation of a climate of stigma, discrimination and violence surrounding sex work. During her visit, the Special Rapporteur heard testimonies from sex workers of recurring police abuse and high levels of violence, including the confiscation of condoms, arbitrary detention and rape. Such abuse severely compromises sex workers’ personal safety as well as their right to equal protection of the law.”¹⁷

The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health addressed the issue decriminalization of sex work in order to reduce violence:

“Decriminalization, along with the institution of appropriate occupational health and safety regulations, safeguards the rights of sex workers. Where sex work is legally recognized, the incidence of violence may also be reduced, through the enforcement of laws against abuse and exploitation.”¹⁸

It’s notable that in the recent Concluding observations by the CEDAW Committee to the Russian Federation addressing violence, the Committee mentioned that:

“The Committee calls on the Russian Federation to repeal a provision of its Administrative Code, which penalizes prostitution, and to establish an oversight mechanism to monitor violence against women involved in prostitution, including by the police.”¹⁹

And the most recent Concluding observations by the Committee on Economic, Social and Cultural Rights stated the concern that sex workers **are specifically vulnerable to police violence and HIV infection, and calls to decriminalize sex work:**

“The Committee recommends that the State party consider decriminalizing sex workers, and ensure that they can fully access health-care services and information, including treatment and prevention of HIV/AIDS, without discrimination. The Committee also recommends that the State party take all necessary measures to punish and prevent police violence against, and exploitation of, sex workers and fight trafficking and traffickers who exploit sex workers.”²⁰

In the List of issues prior to submission of the sixth periodic report of the Russian Federation due in 2016, the Committee asked to provide information on the measures taken to prevent and combat violence against women in detention (para 19) and inform the Committee of the measures taken to combat the practice of torture to extract confessions, and ensure that, in practice, forced confessions are not used as evidence in any proceedings (para 10)²¹. Committee asks as well to clarify the differences in the rules governing safeguards available to the detainee in a criminal, as opposed to an administrative case.

Sex work in Russia

In the Russian Federation, there is a discriminatory domestic legislation targeting sex workers. The Article 6.11 of the Administrative Offences Code on sex work,²² - “prostitution” in government-endorsed regulations,

¹⁷ Report of the Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, Addendum, Mission to Namibia (1 to 8 October 2012), Human Rights Council, Twenty-third session, Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, United Nations General Assembly, <https://www.ohchr.org/EN/Issues/Poverty/Pages/AnnualReports.aspx>

¹⁸ Anand Grover, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 2012, A/HRC/20/15

¹⁹ Committee on Elimination of All Forms of Discrimination against Women, Concluding Observations: Russian Federation, UN Doc. CEDAW/C/RUS/CO/8, 2015, paras. 25- 26

²⁰ Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the Russian Federation, United Nations Economic and Social Council, 16 October 2017, E/C.12/RUS/CO/6, 2017, paras 52- 53

²¹ List of issues prior to submission of the sixth periodic report of the Russian Federation due in 2016, Committee against Torture

²² Section 6.11 of the Russian Federation Code of Administrative Offences

- creates pretexts for agents of the state to control and punish sex workers. Despite the fact that sex work is not a crime, the police treats sex workers as criminals, suspecting them in organizing “prostitution”, which, in turn, is a criminal offense with a penalty of up to 8 years in prison.²³

Women are arraigned to the police stations and before the court and invariably plead guilty. After the court, sex workers pay a fine of 1500 to 2000 rubles (21 to 28 euro). The fine itself means that a sex worker needs to pay it now, and with no other professional occupation, that puts sex workers back to the streets and into brothels. Thus, in 2015, sex workers paid 17,555 million rubles as fines (250,785 euro). According to the Russian Supreme Court, in 2015, magistrates considered 12,269 administrative cases under Article 6.11 and convicted 10 536 persons²⁴ vs total of 60 persons convicted under criminal article 240 (engaging others into “prostitution”) and 123 persons under Article 241 (organizing of the “prostitution”) of the Criminal Code. This clearly demonstrates that police disproportionately target sex workers rather than those involved in organizing sex work.

The main rhetoric in Russian courts under Article 6.11 focuses on attempts to define the term “prostitution”, as Article 6.11 does not give a definition of ‘prostitution’. Meanwhile, under Article 6.11 of the Administrative Code, the courts of the 1st and 2nd jurisdiction focus on analysing the combination of elements of an offense; the courts directly refer to the comments by Deputy Chairman of the Supreme Court. In reality, the above mentioned legal uncertainty means, that a magistrate can find any woman guilty under article 6.11 without her participation in a trial, only based on allegations that police officers put forward in the report and the confession of guilt by a sex worker. Analysis of judicial practice under Article 6.11 demonstrates mostly women are targeted and testifies²⁵ to the qualification errors of the law enforcement officers, when prosecution for engaging in prostitution is carried out in the absence of evidence of entering into paid sexual relations, based on assumption. Thus, this violated the rights of sex workers to a fair trial, adversarial process, judicial protection.

‘Test purchase’ as a police incitement to provoke crimes under Article 6.11. has become an everyday routine during police raids against sex workers. In all regulations, there is no requirement of prosecution of sex workers themselves, meaning a complete absence of grounds in the legislation. Sex workers and the venues are known to the police, and thus they can be kept under supervision at all times. Performed by MIA, ‘test purchase’ is often used to provoke crimes stipulated in the country’s Criminal Code, for instance, purchase of drugs or organizing sex work. In relation to drug trafficking, the European Court of Human Rights ruled that ‘test purchase’ or police incitement by undercover policemen, who had acted without judicial supervision violates the right for fair trial.²⁶

Sex workers testify that prior to pleading guilty they were subjected to abuse and illegal detentions for a period ranging from several hours to several days, with humiliation and violence, including sexual assault, in police stations, slave labour, denial of counsel and extortion of large amounts of money.²⁷

Article 2. Abuse and Illegal detentions in which sex workers are exposed to severe pain, sufferings to obtain confession under Article 6.11 [Engagement in Prostitution].

Sex workers describe that the police frequently enter a premise, where presumably sex services are rendered, and detain all people present without any legal justification, charges. The officers usually are dressed in civilian clothes and don’t present their police identity papers.

The plea of guilty is ‘knocked’ out of the sex worker by force. Most often, sex workers are beaten, pushed, twisted, beaten with various objects. Physical violence is more often and more violently applied to sex workers who are suspected in organizing sex work.

²³ Section 240 and 241 of the Russian Federation Criminal Code

²⁴ Supreme Court Statistics, Accessed on December 26, 2016 <http://www.supcourt.ru/second.php>

²⁵ Alikhadzhieva I.S., On administrative law limitation of prostitution, Administrative Law and Process, #6., 2015, pages 73 - 76

²⁶ Press release ECHR 331 (2013) 12.11.2013, European Court of Human Rights, Judgments concerning Bulgaria, Lithuania, Spain, and Turkey Sepil v. Turkey (no. 17711/07) Accessed on December 26, 2016

²⁷ A. Mazur, E. Maron. Violence against sex workers, HIV and law enforcement: results of a study in St. Petersburg. Inter-regional public organization "Society of HIV-infected and AIDS-infected" Positive Dialogue ", St. Petersburg, 2017

In para 69 the Russian Federation refers to Article 27.3 of the Code of Administrative offences that detention under the Administrative offences can be applied as a last resort to provide correct and timely proceedings, and to execute of a court decision on an administrative offense. ²⁸ According to the Administrative Code of Russia, the period of administrative detention under Article 6.11, cannot exceed three hours²⁹. In addition, in para 77, the Russian Federation notes, that an administrative case should be considered by the magistrate no later than within 48 hours after the detention.

The police often detain sex workers for at least a day, without filing any documents, so that sex workers under pressure sign a protocol on administrative offense, pleading themselves guilty. Sex workers report that they are often held in police stations for more than the statutory three hours, often up to two or three days without charges. They are deprived of the right to a phone call, an assistance of a defender, are kept in inhuman and unsanitary conditions without access to food, toilet and water. If a sex worker requests a phone call or detention in more acceptable conditions, the police responds with aggression, abuse or beatings.

Case examples:

L. in September 2016 was detained in the police department with charges under Article 6.11 for 46 hours 10 minutes. The Prosecutor's Office acknowledged the violation of L. rights by the police officers.

M. In October 2016 spend 16 hours in the police department on charges under Article 6.11. The protocol for the administrative detention was not filed by police officers, and the Prosecutor's Office refused to react and punish the officers. The court ruled that the proceedings for the case of M. were stopped.

According to Annex 1 to the Periodic Report of the Russian Federation, entitled Information on the number of crimes provided for in articles 117, 286 and 302 of the Criminal Code of the Russian Federation, Article 302 [Coercion to testify] is overall insufficiently applied in Russia, the total number of crimes investigated in 2012-2016 does not exceed 5 cases.

Addressing para 27 in the List of issues by the Committee, the Russian Federation (para 269) informs that *courts do not identify* information in criminal and civil cases on the number of cases when confessions obtained as a result of torture were found to be inadmissible evidence, both in forms of primary statistical accounting and of statistical reporting.

Testimonies of sex workers

We sat there for a long time, the conditions were disgusting. The client and black women got stuck in the small 'monkey' cage, 6 square meters, they got there the lice, bugs, there was a horrible stench. We sat in the dressing room for 12 hours, my whole body was numb. Water and food were not given, only from the tap.

We asked them for water, they said, we put money together to buy water for ourselves, we would not give you. And to drink from the tap, the tap there was even scary to look at... We were without water and food, but then one policeman took pity on us and gave us dry police rations for 2005. The cookie was made of wood, we somehow got them broken and chewed. We were held two days without food, without water, they let us go only to the toilet, but not often.

This happened on the 16th of October 2017, then worked in a striptease in a club in St. Petersburg, we had a round-up at night, all the girls were sent the police department No 28, Marata street, 79, as we were, some were completely naked. There were 20 of us, girls. It was +3 outside. Then in the police, only about 10 a.m. in the morning we were given some rugs to hide the nudity. We were detained for about 15 hours, personally I sat in a cold cell from the night to the evening of the day after. Then we saw a TV reportage ala a brothel under a cover of a strip club was shut down. I know that nobody was attracted to prostitution at that time, they were looking for pimps. All the girls were only interrogated, the protocol was made up. If we did not sign we were put back to the cold cell. I do not know how legal it is... It was very scary, they acted harshly. Because it's hard to sit naked without clothes and everything in a cold cell. I think cops just wanted to look at naked girls. On all

²⁸ The sixth periodic report of the Russian Federation due in 2016 for the Committee against Torture, para 69, p. 9

²⁹ Article 27.5 of the Code of Administrative Offences

questions about food and clothes, about the phone, they answered that the investigator would come in the morning and figure it out. Everyone who did not hide was taken away. Until the morning I sat in one string and boots. It was impossible to sit on the dirty floor, and impossible to remove the boots because it was cold. Some were bare foot at all. I checked, I do not neither protocols nor fines. Probably, we just signed a self-incrimination, who did not sign was sent back to the ward. How much does this violate our rights at all? Because they did not find anything. They scared, put pressure, insulted us, but did not hit.

Interview of lawyer in Datsik case^{30, 31}

When my colleague and I went to the police department No. 30, we did not really understand the procedural status of these women. We watched this video on the way with a "naked march"³², but could not understand why women were detained. The police officers did not immediately let us to the victims. It was very unpleasant that through the glass of the duty room we saw how the girls naked, covered with blankets, walk, next to them are police officers, they talk about something. About 3-4 pm next day I managed to communicate with the victims. I talked to two women... They themselves did not know for what reason they were detained. They asked for hot food, coffee, and asked if they could go home. They didn't have any claims to the police officers they did not say: "They allow smoking, they did not put us in cameras, and thank you for that." As far as I understand, by that time, protocols for 6.11 [prostitution] had been drawn up against women, but I have not seen these protocols... When they were interrogated as victims, it was possible to go up to the second floor, drink coffee, girls who had not yet been questioned, were asleep. 24 hours passed from the crime scene. The girls were in a state of shock... I had a feeling that this violence, which Datsik had done over them, continued in the police department. The police were not ready to accept as many victims and provide them with clothing, food. Torture, in fact, continued. They were provided with clothes at the expense of volunteers, as I already said. I applied to the duty department in the name of the head of the department to ensure that the girls were provided with clothes, hot food and hygienic supplies, so, a year passed, I received no answer at all. Apparently, they believe that this is not very relevant.

Contrary to the Decree of the Government of the Russian Federation No 627 as of 15.10.2003 referred by the State party in para 76 of its periodic report with regards to conditions of detention of persons detained for administrative offense, sex workers in the above cases were not provided with food and clothing, subjected to thirst, hunger and forced nudity.

Whether sex worker is a victim of other crimes, a witness or an offender in an administrative case, she or he can be subjected to tortures by police for self-incrimination, indication of sex work management or to extort money.

Testimonies of sex workers

In 2016, we worked with a friend on our own, we got a call, there were three men. We stayed, everything happened. And then there was a knock on the door, they open, people come in civilian, with folders, with bags. We realized that this was a "test purchase." At first we sat in the sauna, but they took us to the police to "squeeze" us who our pimp was. They held us for three days, we went to court two times. On the second day the judge was not there, on the third day they ruled a fine, and after 72 hours they let us go. Three days we sat on the chairs in the corridor, they did us a favor not locking into a ward. For the first two days we did not sleep. We were not fed, only the people on duty brought us some food. I was intimidated that they would deprive me of my parental rights, that they will tell my family what I'm doing, although I have been in my thirties. Or that I will be found in the Moscow River, that I will come up there, if I do not report my pimp. And we did not work for anyone, they wanted us to say that the sauna administrator was our pimp, but she bribed and got out. It was a mockery, our passports and telephones were taken away and we could not call anyone. We were illegally detained for three days because of an administrative fine of 1500 rubles. The next day we paid a fine in Sberbank and went home. I do not know why they did it. Almost no one talked with us, they did not pay attention to us on the second day, they quickly took us to court on the third day, and we again sat on chairs. It was hell.

³⁰ Sex work and human rights, interview of lawyer in Datsik case, Olga Krivonos, EECA Sex Workers' Alliance, November 21, 2017,

https://eecasexworkersalliance.net/blogs/seks_rabota_i_prava_cheloveka_interv_yu_advokata_po_delu_dacika/

³¹ In St. Petersburg on the night of May 18, 2016, a gang of nationalists drove out into the street employees and customers of the brothel, located on the 11th Line of Vasilyevsky Island, and forced them to walk naked without clothes in the street to go to the nearest police department.

³² Дацик марш голых проституток без цензуры, <https://www.youtube.com/watch?v=-8n1Z0NdsMU>

Article 12, 13. Failure to provide effective investigation and complaint to sex workers

A criminal status that is placed on sex workers through punitive laws and policy means that they are severely disadvantaged in seeking justice and redress for violent crimes against them, offering attackers impunity and leaving sex workers at risk of further violence and abuse.³³ Sex workers informed that they do not report violence, they would be forced to reveal the fact of sex work, that is, to increase the risk of getting an administrative fine and a criminal record, again face violence and the need to bribe the police. Sex workers also said that they do not report violations to the police because they fear persecution and revenge. These fears are not groundless, some have already faced the revenge of the police after they complained to violent actions. These actions also demonstrate to other sex workers what can happen if they file a complaint or help a sex worker who filed the complaint. In addition, to file a complaint after the violence means to disclose your name, personal information about the place of residence, and therefore have a chance to face persecution and threats.

Testimonies of sex workers

After we won two courts and recaptured the article 6.11 notice [article of the administrative code for prostitution], to the brothel that we had left, as we said, a whole bunch of people came, arrested everybody, conducted a search, threatened everyone, including the administrator, people were taken to the 'monkey' cage [at the police station], they took revenge.

We were taken [by the police] for a second time. The lawyer wrote somewhere a complaint of ill-treatment of women, to which we were told: 'Take your stuff, we are going to show you the ill-treatment.'

They came to my place at night, right after nine p.m. There was he, in civilian clothes: 'If you're not withdrawing the statement to the Prosecutor's office either in jail you will rot, or have your children taken away, or your husband will have problems.' I don't know what to do. The Prosecutor says that I am protected because I have minor children.

The refusal of police officers to protect sex workers, the intimidation of victims and fines facilitate an environment in which crimes against sex workers are silenced and go unpunished.

In July 2012, in St. Petersburg acting police officer brutally beat a sex worker to death, brought back into the woods, threw out of the car and showered with boughs. The criminal was released while the 2,5 year the investigation lasted. And in the course of the investigation, his arguments for not being guilty were that she was a sex worker, and had drug addiction, HIV and hepatitis C. The law enforcement investigation lasted for so long because the Silver Rose was able to provide a lawyer to the injured party, recognized as her mother. And in January 2015, there was a court decision: eight years of strict regime for the criminal. And even during the verdict, the former police officer in his defense said that she had an immoral life and was engaged in prostitution. For now, this is almost the only case, when the offender was punished; many go unpunished or released on parole.

The risk of a criminal record for sex workers who choose to apply after a situation of violence is an additional factor that prevents sex workers from access to justice. For the above reasons, the motivation to assert their rights is lost even by sex workers who are willing to do so.

Opportunities to train sex workers to protect their rights and to help in cases of crimes against them in the last two years were closely associated with the Global Fund programs for the prevention of HIV, these HIV prevention programs in Russia end on July 1, 2018. Although the Russian Federation reports that in 2015 the number of public social facilities to help families and children exceeded 3000³⁴, during in 2012-2016, non-profit organizations did not receive any public funds to work with sex workers to provide shelter and protection from violence.

Article 16. Acts of cruel, inhuman and degrading treatment of sex workers

Section 1. Sex workers indicated that they were particularly vulnerable to sexual assault by the police in situations of arrest and detention, regardless of the reason for the arrest, whether for prostitution or other

³³ C.M. Lowndes, et al., Injection drug use, commercial sex work, and the HIV/STI epidemic in the Russian Federation.

³⁴ The sixth periodic report of the Russian Federation due in 2016 for the Committee against Torture

violations of the law.³⁵ 'Sexual violence often occurs in the police station, in the toilet, or in police offices. Sex workers say they faced 'subbotnik', a practice of forced sex with law enforcement, often by a group of men, police officers. In the cases reported by informants, sexual violence was inextricably linked to unequal power relations. When confronted with sexual violence, sex workers are afraid to report it to law enforcement, as the police often continue to threaten them with violence if they seek help.

During 'test purchase' sex workers and persons suspected of illegal prostitution are under the risk as police officers often receive sexual services without disclosing their identity. Thereby these persons may not now that they agree to sexual acts with a police officer, and, thereby suffer from sexual violence that can be qualified as tortures.³⁶

Besides, in the recent research of 2017³⁷, sex workers shared insults, humiliations, threats during detentions. During detentions, often degrading and illegal methods of psychological pressure are in use: the seizure of passports and mobile phones, lifting handprints and footprints, the inspection of all personal belongings and the stripping of naked on the floor while searched. After being humiliated during the police raids, many sex workers sign statements of self-incrimination by threats of violence, extortion of large amounts of money or threats to disclose sex workers' identity and occupation to the family or children.

Testimonies of sex workers

Never once that everything was like for human beings. They called us prostitutes, whores, once brought me to tears that here now we would call your parents, they took phone, began to rummage, look for contacts, began to photograph me. First brought me into tears, I was all tear-stained, and then photographed full face and profile, like criminals are photographed, said he would send it to my relatives.

Sex workers were not only photographed without consent, they were filmed, posted on the Internet or shown on television in news reports. Frequently, the police conduct its raids together with the media, which then airs materials demonstrating faces of sex workers and shaming them.

In October 2016, in Perm, journalist Ritis Barauskas of Vetta TV together with his friend took advantage of the services of a sex worker in a sauna, secretly filming the process. The second participant who also received intimate services, presumably, was a policeman. After their signal, police and camera operator bursted in to the sauna. The woman was taken to the police department and charged with Article 6.11. Barauskas on his page in social networks posted on a successful special operation. After this story came public, VETTA TV released an official statement that Barauskas did not receive such a task from the editorial staff, the television crew did not participate in the above-mentioned shootings. The correspondent himself was suspended from work until the end of the trial. Later, a magistrate dismissed the case against the woman.

Often public movement and public organization join the raids. Television crews immediately bring in this verdict. "The police conducted a raid and arrested prostitutes" is the most common phrase in the criminal chronicle.³⁸

Public Organization 'Belaya Gvardiya' jointly with the police and the television conducts raids in brothels of Moscow.³⁹ The website of the organization indicates that it is engaged in, inter alia, identifying locations of

³⁵ A. Mazur, E. Maron. Violence against sex workers, HIV and law enforcement: results of a study in St. Petersburg. Inter-regional public organization "Society of HIV-infected and AIDS-infected" Positive Dialogue ", St. Petersburg, 2017

³⁶ Submission from Sex-Workers Forum of Vienna to the United Nations' Committee Against Torture pertaining to Austria's 5th periodic report CAT/C/AUS/4-5 at the 44th, p. 5 http://www2.ohchr.org/english/bodies/cat/docs/sexworker_uncat_Austria44.pdf

³⁷ A. Mazur, E. Maron. Violence against sex workers, HIV and law enforcement: results of a study in St. Petersburg. Inter-regional public organization "Society of HIV-infected and AIDS-infected" Positive Dialogue ", St. Petersburg, 2017

³⁸ Content analysis of media representations of sex workers in Russia, Silver Rose, 2014-2018

³⁹ "Белогвардейцы" совместно с полицией накрыли бордель <http://ren.tv/novosti/2017-05-31/belogvardeycy-sovmestno-s-policiyey-nakryli-bordel>

pimping, brothels, "houses of tolerance", suppressing the involvement in prostitution.^{40 41} The activists do 'test purchases' and then open the door of brothels to let the police and the television in. Sex workers are humiliated and filmed, often in lingerie, forced to nudity. The videos, filmed by a group of men, are then published on the Internet and broadcasted typically on Ren TV, one of the largest Russian national broadcasters.

Featuring sex workers on television in the criminal news in a prejudicial and hateful manner at times happens with the use of the police videos, which cannot be demonstrated to the public because of the benefit of the doubt, and as soon as the image of the person is an integral part of the privacy. This forms a public opinion and an environment, where the detainment of sex workers seems 'lawful' in public consciousness based on high frequency of such TV broadcasts.⁴²

Section 2. The criminalization of sex work also worsens the position and discriminates against migrants and refugees, as engaging in this type of work might make them more visible and liable to being targeted by state authorities. The migrants can be detained for 48 hours if compared to 3 hours for administrative offences. Thus, they are absolutely dependent on the police officers. This means that the existing laws allow state authorities to treat migrants and refugees even worse than sex workers of Russian citizenship. The fear of public authorities is particularly strong among sex workers who stay in the country illegally. Sex workers stressed that migrants from other countries, especially if they stay in the country illegally, face more severe forms of tortures than Russian citizens. If a sex worker was an external migrant, he or she was threatened with deportation for sex work or reporting this fact to his or her home country, which, for example, in Muslim countries, would threaten with alienation and reproach, threats and physical violence. For fear of tortures and deportation, migrants are more likely to pay bribes to police officers.

Key Recommendations to the Government

To conclude, sex workers massively face acts of severe pain and suffering, both physical and mental, which is intentionally imposed by the police in order that sex workers sign self-incrimination for engaging in "prostitution", identify sex work managers or pay large amounts of money. Acts of cruel, inhuman and degrading treatment of sex workers in Russia result from criminalization of sex work and existing stigma and discrimination. Thus, legislative and law enforcement measures targeting to combat exploitation of sex workers in reality have the opposite effect making sex workers vulnerable to violent assaults falling under the definition of tortures under Article 1 of the CAT, and these crimes stay unreported as perpetrated by law enforcement itself. The lack of trust in police and authorities among sex workers presents a reason for the impunity of serious crimes. Along with that, there is an ample evidence that restoration of human rights of sex workers is possible through complete decriminalization.⁴³

We urge the Committee to call on the Russian Federation:

- **To decriminalize sex work by removing administrative punishment for sex work or the consensual exchange of sexual services between adults for remuneration (Article 6.11 of the Code of Administrative Offences of the Russian Federation).**
- **To stop police raids and "test purchase" against sex workers, which only increase violence against sex workers.**
- **To ensure sex workers have equal access to police protection, fair process and justice.**

⁴⁰ Website of the NGO 'Belaya Gvardiya' [White Guard] <http://nko-bg.ru/>

⁴¹ Полицейские и активисты разоблачили сауну-бордель в Москве, <http://ren.tv/novosti/2016-10-21/policeyskie-i-aktivisty-razoblachili-saunu-bordel-v-moskve>

⁴² Structural violence. Social and institutional oppression experienced by sex workers in Europe. Community report, International Committee on the Rights of Sex workers in Europe, 2015, Amsterdam.

⁴³ B. Donovan, Sexual Health at National Centre in HIV Epidemiology and Clinical Research of the University of New South Wales, The Lancet. Prostitution: To Decriminalise or To Legalise. Oct. 5, 1996.