

## **List of issues related to the problem of discrimination against women in vulnerable situations**

To the 62nd session of the UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN and the 62 Pre-Sessional Working Group of the UN CEDAW.

### **Laws and policies discriminatory against women**

#### **The state list of professional occupations prohibited for women**

Governmental Resolution N°162 of 25/02/2000 establishes a “List of difficult, harmful, and hazardous occupations prohibited for women”. The only way to bypass this provision is for a specific workplace to be officially declared not dangerous.

This legislation is discriminatory in and of itself. It clearly reflects the idea that women need to be protected because they are essential for reproduction. However, it does not take into account, for instance, that some women may not want or be able to have children, or that they may already have children. Moreover, no such list concerning men has been established, even though some jobs may harm their reproductive systems (e.g. jobs involving nuclear weapon or nuclear power plants).

Example: Svetlana Medvedeva, a young ship deck officer, was refused the right to complete an internship she needed for her degree by the Samara River Passenger-Carrying Company on the grounds that this particular job was included in the abovementioned list. As a consequence, she was not able to obtain promotion to the rank of Captain. She filed a complaint, but three levels of courts found the Company's decision lawful. She then filed a complaint with the UN Committee on the Elimination of all Forms of Discrimination against Women (in May, 2013).

Another victim of the ban on maritime professions for women, W., informed ADC Memorial that she lost her job as an ordinary sailor (even though she had been employed for one and a half year and her employer was perfectly happy with her work) as the Labour Inspection rules were changed and required information on gender of individual sailors. A ban on women in certain professions was installed by Government decree No.162 of 25 February 2000, almost at the same time when Russian Maritime Academies opened the doors of their seagoing faculties for women. As a result, many female students of these faculties suffer from the discriminatory practice, being unable to find jobs and do their practice on board of Russian-flagged ships. The example of W. proves that even the employers suffer, while losing well qualified good sailor-women, whom they have to fire even against their own will. A number of maritime forums on the internet openly discuss this problem and indicate that sailor-women trained in Russia are forced to choose for employment under foreign flag while in fact some foreign women sailors from the Philippines and Malaysia are allowed to work on board of Russian flagged ships as other employment rules are in use for foreigners.

### **The law on domestic violence**

A law on domestic violence has been under discussion in the Russian Federation since 1995, but has yet to be adopted. Currently, the state has no right to interfere in the so-called “private sphere” until the moment when actual violence occurs. This means that there are no provisions for prevention. Most instances of domestic violence are legally classified as battery (article 116, §1 of the Criminal Code of the Russian Federation) or as light personal injuries (article 115, §1 of the Criminal Code of the Russian Federation). Both cases fall under the procedure of private prosecution, which means that prosecutors have no authority and only the victim or her authorized representative can launch a case. These types of

cases go before a justice of the peace, who always tries to settle them, and the burden of proof lies with the victim. This issue is not even addressed in the National Convention on Family Policy for 2013-2015. The law drafted in 2003 entitled “On state guarantees for equal rights and freedoms for men and women and equal possibilities of their implementation” is also still pending. The Russian Federation has not yet signed the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, and even though the Russian government accepted some of the recommendations stated during the 16<sup>th</sup> Session of the UPR in 2013, nothing has changed.

### **Illegal detention of pregnant women in Detention Centres for Aliens**

Under a decision of the Plenary Assembly of the Russian Supreme Court of December 19, 2013, the administrative detention of pregnant women and of mothers of children under the age of 14 is forbidden. Detention conditions in Detention Centres for Aliens are worse than in places used for administrative detention, and the term of detention in these centres for aliens is often longer. In spite of this, human rights defenders have documented four cases where pregnant women were detained in Detention Centres for Aliens (in Moscow and St.Petersburg). In the case “Kim vs. Russia”, the ECHR found that detention conditions in the Saint Petersburg Detention Centre for Aliens violate Article 3 of the ECHR (2014).

### **Deportation of female victims of trafficking instead of investigation of the crime of human trafficking**

Usually cases of trafficking that are reported to the police are not investigated at all. If these cases are investigated and prosecuted, the defendant always receives a very lenient sentence. This is even more true when the victim is a foreigner. Thus, women do not bother to file complaints and perpetrators have a feeling of impunity.

Example 1: ADC “Memorial” knows of two cases where African women, who were victims of trafficking, appealed to the Federal Migration Service to receive documents to enable them to return home (their passports had been illegally confiscated by their employers). Instead of helping them and opening an investigation against the perpetrators, the Federal Migration Service sent the two women to the Detention Center for Aliens in St.Petersburg in order to organize their subsequent deportation. One of the victims, Veronika M., has been in the Detention Centre for Aliens since 2010.

Example 2: ADC “Memorial” documented the case of a Ukrainian woman who was raped by a man in his apartment (2012, St.Petersburg). Immediately following the rape, this woman was able to take policemen to the scene of the crime. There, they discovered the perpetrator and evidence of the crime. An investigation was opened. Even though there was obvious proof that the woman had been raped and that the perpetrator was involved in trafficking (there was even evidence of the fact that he was renting the apartment for this purpose), the man received a suspended sentence. This shows that crimes against women are not treated as seriously as they should be.

### **Discrimination against women belonging to traditional communities leading to persecution**

Women and girls in traditional Muslim communities are at particular risk for gender-based discrimination. In this respect the situation in the North Caucasus has worsened over the past several years: the practice of violent bride kidnappings is on the rise, a very strict dress code has been imposed on women and clothing checks have been organized at Grozny University, the number of honour crimes in the region has increased, etc. The most critical situations involve suspicions of sexual offences. In 2012 and 2013, ADC “Memorial” documented two cases where women were forced to flee the region.

Example 1: Z., a female schoolgirl living in Dagestan, was blackmailed for several years by a local boy who had made a fake video showing Z. in a porn movie: he asked her for money and threatened to broadcast the video on the internet if she refused to pay. The girl was afraid that she would be killed by her parents if he uploaded the video. At some point the whole story was revealed and the two fathers started a fight that ended in the death of both. Z. was the one considered guilty for everything that happened and was forced to leave her village and hide with her mother. Mother and daughter subsequently fled the region (in 2013).

Examples 2-3: In November 2011 a 19-year-old girl from Karachay-Cherkessia was murdered by her two older brothers because of her “immoral way of life”. In Ingushetia in June 2011 the two Musaev sisters, aged 15 and 19, were killed by their father. One possible explanation for these murders is that they were honour killings.

Example 4: Tamara N. worked as an assistant to a judge in a court in Ingushetia from 2001 to 2012. After refusing to criticize this judge for money, she was blackmailed by the same people who had tried to corrupt her. They threatened her with a video allegedly showing her having intimate relations with the judge. She told her family that this was not true. Even though her family believed her at the beginning, pressure from the community was so great that her husband divorced her, her two young sons were taken away from her, and she lost her house and her job. She felt threatened and feared for her life, so she went into hiding and started moving from one place to another with her daughter. The judge, who was the primary target of the critics, was not subjected to social pressure or any legal measures.

In the end of 2014, the government of the Autonomous Republic of Mordovia banned the wearing of the muslim women “Hijab” garment in schools. In February 2015, the Supreme Court of Russia declined the complaint of muslim parents against this ban. Some muslim parents declared that their daughters were bullied in schools after that or not allowed to enter school. As a result, many girls stopped going to school at all as their parents would not allow them to go to school without “Hijab”. Such result created discrimination of muslim girls towards non-muslim girls and towards muslim boys, who didn’t have to leave school. Meanwhile in some other parts of the Russian Federation Hijab wearing at schools is not forbidden (Tatarstan) while in some others, it is strictly imposed on women and girls – in the Republic of Chechnya female students are not allowed to schools and universities without Hijab (which indeed creates other types of discrimination).

## **Roma women – victims of double discrimination**

Young Roma women face discrimination from both their own communities, where the status of women is traditionally low, and from Russian citizens and authorities on the basis of their position as members of Roma communities.

### **Lack of Protection from violence for women belonging to ethnic minorities at risk of discrimination**

In January 2014, Anna Lakatosh, a woman from a Magyar Roma (a Hungarian-speaking group of Roma that migrated to Russia from Ukraine’s Transcarpathian Region) settlement near Saint Petersburg, was found after she had been physically and sexually assaulted by her neighbours. It turned out to be very difficult to find her a shelter because state structures do not offer refuge to non-Russian citizens. The Russian Red Cross refused to provide shelter for her because of her way of life as a Roma, but finally the Order of Malta accepted her for a night. Later, however, she had to return to her settlement.

### **Access to justice for women belonging to ethnic minorities at risk of discrimination**

In January 2013, Zhanna Lakatosh was accused of murdering her neighbour's son. In April 2014 she was sentenced to 10,5 years imprisonment by the Court of Nevsky district of St.Petersburg. Her appeal is currently pending. ADC "Memorial" has been following the case since the beginning and, according to testimony and other circumstances, it is obvious that her partner is guilty of this crime. He and his mother, who had quite a bit of influence with the police, were able to make the state prosecutor accept their view that Zhanna Lakatosh was the murderer. The trial was not fair: key witnesses did not attend the hearing, even though the verdict was based exclusively on their testimony. At the same time, the only direct witness of the crime – 12-year-old A. - appeared in court and gave a very clear and realistic explanation of the event, but the court did not take his testimony into consideration.

In October 2014 the Court of Appeal decided to leave the verdict intact. In the end of December 2014 Zhanna was sent to one of the female penal colonies for women who have committed a number of heavy crimes. As it is well known that the women prisoners in such colonies can be very cruel to those accused in crimes against children, the life of Zhanna there is in serious danger. Her little daughters remain in an orphanage.

### **Discrimination, cruel and degrading treatment of Roma women by the police**

On December 12, 2011, three Roma women living in the village of Dyaguilevo near Ryazan were detained by policemen in public transport and then taken to a police precinct. The policemen never gave them any explanation regarding what was happening. At the precinct they were severely beaten (doctors later found evidence of head trauma), their hair was cut, and they were filmed. Here it should be noted that according to Roma tradition hair cutting is a humiliating act, and the policemen made it clear to the women that this had been done to them on purpose. Finally the officers had the women call their husbands, who posted bail to free them. An investigation was launched, during which the women were threatened and policemen tried to take advantage of their illiteracy to make them sign documents that would prove them guilty. Unfortunately, these violent policemen were never criminally prosecuted for their actions.

### **Access to education for girls living in Roma settlements**

Roma girls often face discrimination from two sides: their community does not believe that it is important to educate girls, while Russian teachers see this as a normal phenomenon in these communities and use this as an excuse to avoid participating in efforts to integrate Roma children. One teacher in a special class for Roma children explained that she only acknowledges the boys in her classroom since she knows that the girls will be removed from school after two or three years (Oselkovskaya school, near St.Petersburg). A study conducted in Ekaterinburg shows that only one-fifth of Roma pupils are girls (report of ADC Memorial on education of Roma children, 2009-2011).

This attitude towards education forms the basis for the poor treatment of women that later results in early marriages and pregnancies, exploitation, etc.

### **Female migrant workers from Central Asia – victims of triple discrimination**

Female migrant workers from Central Asia are subjected to discrimination due to their traditionally low position in their communities, the fact that they are labour migrants, and the fact that they are members of ethnic minorities at particular risk for discrimination.

These women are often the victims of domestic violence, but special emergency centres for female victims of domestic violence in the Russian Federation serve only locally registered residents, and there are no shelters able to serve women with several children. They also often fear appealing to the police for assistance as they frequently have fake documents or are undocumented.

Example 1: Sevara, a cleaner, came from Tajikistan to St.Petersburg in 2008 and explained that

female labour migrants have more difficulties finding a job, are more often duped by their employers, and are frequently not paid their salaries.

Example 2: Raykhona came alone with her four children to St.Petersburg from Tajikistan in 2010, her husband had left her. She worked for a few months as a cleaner, but then her employer suddenly stopped paying her, so she could not pay for accommodation. The Federal Migration Service came to her residence and threw the family out into the street. Raykhona had to send two of her children to an orphanage because she didn't have enough money to support them. The two elder children had to work as cleaners.

Example 3: Zulfikor, 26 years old, came to St.Petersburg from Uzbekistan in 2011, she left her small daughter in Uzbekistan with grandparents.. She never received a salary at any of the several different places she worked. Then, the intermediary who employed her promised her fake documents for two months' salary, but these documents were not accepted by any employers, so she has been unable to find an official job.

### **Discrimination against women and lesbians**

On April 1, 2014, two lesbian women in the Saint Petersburg metro were the victims of verbal and physical aggression against their gender and sexual orientation by a man who openly accused them of "not behaving like proper women and of not wearing skirts". One of the women was physically impaired for one month as a result of the attack. Although their complaint to the police was registered, no investigation was opened and the courts refused to hear this case.

### **Women persecuted on political grounds for their critical opinion**

In the last years, there were a number of cases when women belonging to the political opposition who dared to express their critical opinion on governmental politics, were persecuted, including those women who had little children. The most famous case is the story of two young women mothers Ms. Tolokonnikova and Ms. Alyokhina (from the Pussy Riot punk group) who were convicted to two years of detention for their protest action and separated from their little children (4 and 5 years old).

Even more dramatic seemed the event that took place in January 2015 when Svetlana Davydova of Vyazma in Smolensk Oblast, mother of seven, the youngest of whom was under three-months old; was arrested and placed in the Lefortovo pre-trial detention center in Moscow. Even though breastfeeding mothers are supposed to take their babies with them into custody, Ms. Davydova was separated from her baby and the father of the child was told to sign a paper that he is able to organize feeding of the child and was threatened that otherwise the child would be taken away from him.

Ms. Davydova was charged under Criminal Code Article 275 (treason, a charge entailing 12 to 20 years in prison) for making a phone call in April 2014 to the Ukrainian Embassy to report that military personnel from a unit near her home were evidently being sent to the Donbass area of Ukraine (the accusation of betraying an important secret in this case seems to be especially strange hence Russian authorities have been always denying the presence of any national military forces in Eastern Ukraine). The purpose of the phone call, as Davydova explained it, was to prevent possible casualties. Prior to her arrest, Davydova's apartment was raided on 21 January 2015. A group of people in black camouflage conducted a search lasting hours and ending in the confiscation of a computer, laptop, and notebooks. In pronouncing the measures of restraint – that Davydova be arrested before 19 March 2015 – the Lefortovo District judge Yelena Galikhanova, did not take into consideration the fact that Davydova has seven small children. As a result of immense public pressure Davydova was allowed to go home but the criminal case against her was not closed, she is still at high risk of many years detention.

## **The Law on Foreign Agents as applied to NGOs fighting for women's rights – the case of the trial of the NGO “Women of the Don”**

In 2012 amendments to the law on NGOs marked the beginning of a repressive campaign against NGOs in the Russian Federation: NGOs engaged in “political” activities and receiving foreign funding were obliged to register in the special registry for foreign agents maintained by the Ministry of Justice. At that time, NGOs and their directors could be prosecuted for not having registered. In June a new amendment to this law came into force that allows the Ministry of Justice itself to register NGOs that it deems foreign agents. This is what happened to the NGO Women of the Don. Interestingly enough, this NGO was prosecuted and fined on July 8, 2014 for not having voluntarily registered, even though it was already listed in the registry.

### **Conclusions and recommendations:**

Discrimination against women unfortunately remains a widespread phenomenon. Women subjected to discrimination for belonging to Roma communities, working migrants women, women belonging to sexual minorities, or Muslim communities are most at risk for gender discrimination in Russia. What is most striking is that this discrimination is practised not only by individual Russian citizens, but also by Russian federal, local, and court officials, and that almost no public policies or adequate laws exist to improve the situation.

### **Recommendations to the Russian Federation to improve the situation by taking the following measures to protect women from discrimination :**

- Adopt the law drafted in 2003 entitled “On state guarantees for equal rights and freedoms for men and women and equal possibilities of their implementation” and sign and ratify the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence.
- Revoke Governmental Resolution N°162 of 25/02/2000 establishing a “List of difficult, harmful, and hazardous occupations prohibited for women” and ensure that women are not discriminated in their professional lives and careers.
- Set up a national comprehensive and sustainable programme aimed at eradicating violence against women. Introduce a law which makes domestic violence a specific crime. Build up special temporary shelters, housing, help lines and assistance mechanisms for victims of domestic violence. No barrier to access these services should exist. Persons at risk of intimidation or reprisals during investigation and prosecution must be protected. Police and other relevant government bodies and authorities must receive training on assisting victims of domestic violence. Disaggregated statistics on domestic violence should be published to facilitate a better understanding of the issue. Local and regional authorities should be encouraged to cooperate with NGOs and civil society activists to protect women from domestic violence.
- Amend regulations to protect women and girls from discrimination, including discrimination based on their religious beliefs. The right to freedom of expression and freedom to manifest one's religion or beliefs extend to the way people choose to dress. State authorities must protect women from the imposition of restrictive dress codes by third parties, including families and communities.
- End impunity for violence against women and girls in the North Caucasus by ensuring that allegations of rape and domestic violence are fully and promptly investigated and that perpetrators are brought to justice, regardless of whether they are state or non-state actors. The authorities must send a clear message that human rights abuses will not be tolerated and

will be addressed through human rights compliance, thorough investigations and fair trials. They must make it clear that traditional morals and norms do not prevail over International and Russian legislation, and that no public authority is entitled to tolerate or push for the implementation of traditional laws.

- Ensure that discrimination against girls belonging to ethnic or religious minorities cannot impair their right to education. Teachers must receive training aimed at raising their awareness of minority rights and non-discriminatory behaviour.
- Ensure that discrimination against women belonging to sexual or ethnic minorities will not impair their right to thorough investigations and fair trials.
- Adopt a law clearly prohibiting pregnant women and women with children under the age of 14 from being detained in Detention Centres for Aliens.
- End political persecution of women active in opposition, avoid the separation of women mothers with their little children caused by detention of these women.
- End prosecution of NGOs fighting for women's rights, including under the “Law on Foreign Agents”. State representatives must prevent any attempt to impair the work of NGOs and create the conditions for NGOs to conduct their activities freely and safely.